

Every Student Succeeds Act (ESSA)
A Public Input Meeting

Monday
January 11, 2016

Sponsored by the
U.S. Department of Education
Washington, D.C.

Held at the
U.S. Department of Education
Washington, D.C.

Audio Associates
(301) 577-5882

ESSA Public Input Meeting

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

M O R N I N G S E S S I O N

(9:05 a.m.)

Welcome and Overview

by Ann Whalen

MS. WHALEN: Well, good morning, everybody. I am Ann Whalen, Senior Advisor to the Secretary, Delegated the Duties and Functions of the Assistant Secretary for Elementary and Secondary Education. It's a very long title. And I am pleased to welcome each of you here today. So thank you so much for coming.

First let me introduce you to a few of my colleagues up on the panel. To my right is Patrick Rooney, Acting Director of the Office of State Support. And to my left is Kay Ripling, a program attorney in the General Counsel's Office.

We are also joined by a number of people here today who are here to facilitate the ease of coming up to the podium and signing in. I would like to recognize a few of them. We have Deborah Spitz*, Ashlee Schmidt*, Irene Harworth*, and our team from Synergy.

So if you guys could just raise your hand quickly so people can quickly recognize you.

I think they also have wonderful ribbons on their badges, too. So if you have questions or concerns throughout the day, please don't hesitate to approach any one of them.

1 We greatly appreciate you taking your time to be
2 here today to share your input. Your advice and
3 recommendations are critical to helping the Department of
4 Education support the successful implementation of the Every
5 Student Succeeds Act or ESSA.

6 As you know, President Obama signed ESSA into law
7 on December 10, 2015, reauthorizing the Elementary and
8 Secondary Education Act of 1965. This new bipartisan law,
9 which replaces No Child Left Behind Act of 2001, is good news
10 for Nation's schools and students. The ESSA builds on key
11 progress that we have made in our education in recent years,
12 including a record high school graduation rate of 82 percent
13 and includes many of the key reforms we have called on
14 Congress to enact as part of any reauthorization.

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

24 The Department is soliciting advice and
25 recommendations regarding regulations and guidance needed to

1 implement programs under Title I of ESSA, both in person and
2 electronically. This provides stakeholders with an
3 opportunity to identify areas that could particularly benefit
4 from regulations and provide specific feedback on what those
5 regulations should establish and require.

6 As part of this process, we are accepting
7 electronic comments through the Federal E-rule-making portal,
8 as described in the Federal Register Notice published on
9 December 22, 2015, as well as written comments via the postal
10 mail or snail mail, commercial delivery, or hand delivery.
11 We strongly encourage everyone participating in today's
12 meeting to also submit comment through our electronic comment
13 process. You may submit comments on or before January 21,
14 2016. Again let me repeat that, January 21, 2016.

15 We are also holding this and one other regional
16 meeting to solicit advice and recommendations from
17 stakeholders. The second meeting will be held on January 19
18 in the University of California, Los Angeles. At these
19 meetings we request your advice and recommendations regarding
20 topics from which regulations or non-regulatory guidance may
21 be necessary or helpful, as states and districts transition
22 to the new law. Programs under Title I of the law are
23 designed to help disadvantaged children meet high academic
24 standards. Comments provided at these meetings should be
25 focused on these issues.

1 to one of the two-hour slots. And you should find your name
2 on the agenda, which will give you a general idea of when you
3 can expect to speak.

4 But please note that this agenda is only a draft,
5 and we anticipate some last-minute changes. So please bear
6 with us, and please be patient as we try to make sure we get
7 through everyone who signed up to speak today.

8 If you did not register in advance but have asked
9 to speak today, we will work to try to fit you into the
10 schedule as time permits. We will call for additional
11 speakers, if we have additional time, in the order from when
12 you registered. So please be prepared to speak during any of
13 the three blocks during the day.

14 So we ask that you follow along on the agenda so
15 you have a sense of when you will be speaking. I will also
16 announce each speaker at the end of the previous speaker. So
17 please make your way to the podium as quickly as possible
18 once you have been called so we can move through as many
19 as -- hear from as many of the public as possible.

20 Each speaker will be given five minutes to speak,
21 to share his or her comments. And given that we have a
22 number of people interested in sharing their thoughts, we ask
23 that you respect the time limit in order to ensure we have
24 the opportunity for everyone to speak. There is a timer that
25 is on the podium that will alert you to how much time you

1 have left. It will start out with green. When you have one
2 minute left, it will turn to yellow. And then when your time
3 is up, it will blink red to let you know that your time has
4 ended. We will ask you to conclude your thoughts, if you
5 have not finished by the end of your five minutes.

6 If you have any written comments or other materials
7 you would like to share with the Department, we ask that you
8 hand it in at the registration desk to our colleagues from
9 the Department of Education so we can make sure that that
10 becomes part of the record, and we can consider that as part
11 of your comments.

12 As a reminder, the event is being live streamed so
13 that any member of the public may watch and listen to your
14 remarks. And we will be making information regarding the
15 hearing publicly available on our website, including all the
16 speakers' names and affiliations. And we will post a
17 transcript of the meeting on our website. That will probably
18 take a few days until that is finalized and can be posted.
19 And it is possible that any of the submitted comments that
20 you make, you provide to us, will also be made available
21 publicly.

22 So again, please don't hesitate to direct any
23 additional questions to the team seated at the registration
24 table or around the room. Again, all the staff with the blue
25 ribbons are here to answer any questions you might have. And

1 our contractors are also wearing purple ribbons. So if you
2 have questions on logistics, our contractors, who I think are
3 sitting primarily at the registration table, can help with
4 those questions.

5 And with that, I want to thank you again for being
6 here today. And we will start with our first speaker, which
7 is Governor Bob Wise from the Alliance for Excellent
8 Education.

9 ***Governor Bob Wise***

10 ***Alliance for Excellent Education***

11 GOV. WISE: Thank you very much. I am kind of
12 honored. And I feel like, wow, I'm the lead-off batter for
13 the 2016 ESSA baseball season, which 2016 is going to be an
14 amazing year. And ESSA makes it even more. And so I may be
15 leading off, but what I want to talk about, really in some
16 ways, is the last inning for students, but also the
17 beginning, and that's going to be graduation rates.

18 I am Bob Wise. I am President of the Alliance for
19 Excellent Education, a national policy and advocacy
20 organization dedicated to ensuring that all students,
21 particularly those who are traditionally underserved,
22 graduate from high school ready for success in college,
23 career, and citizenship. Prior to joining the Alliance, I
24 served for 24 years in elected office as state legislator,
25 member of the U.S. House of Representatives, and Governor of

1 the State of West Virginia.

2 I am honored today to speak to you regarding
3 regulations for the bipartisan ESSA legislation. And indeed
4 what I will be speaking about is also bipartisan. ESSA keeps
5 the Nation's foot on the high school graduation rate gas
6 pedal by maintaining federal policy beginning with the George
7 W. Bush Administration and continuing through the Barack
8 Obama Administration.

9 This policy coupled with incredible hard work by
10 educators, parents, and students have led to the Nation's
11 highest graduation rate on record at 82.3 percent for the
12 2013/'14 school year. This means a reduction in the number
13 of high school dropouts from one million in 2008, actually
14 over one million, to approximately 750,000 in 2012.

15 Where federal graduation rate regulations have
16 clearly assisted major education gains, these regulations
17 need to be renewed. ESSA includes an important requirement
18 to support and improve high schools where one third or more
19 students do not graduate. It is critical for ESSA
20 regulations to require the use of the uniform Adjusted Cohort
21 Graduation Rate, ACGR, to identify these schools.

22 Even with these gains, we know that one in five
23 students will drop out of high school this year, more than
24 4,000 students every school day. Additionally, 1,235 high
25 schools nationwide fail to graduate one third or more of

1 their students. These schools disproportionately enroll
2 students of color and students from low income families.
3 These graduation gaps also remain prevalent. Indeed over the
4 past four years the gap in graduation rates between Latino
5 and white students grew in nine states and for African
6 American students and white students increased in ten states.

7 The two areas of rising rates today getting the
8 most attention are the Federal Reserve and high school
9 graduation rates. For the short-term impact on the Nation's
10 economy, the Federal Reserve's raising of interest rates
11 generates a lot of attention. But over the long term, rising
12 graduation rates are much more important for the future of
13 our economy.

14 According to research released by my organization
15 in December, increasing the national high school graduation
16 rate to 90 percent would create over 65,000 new jobs and
17 boost gross domestic product by \$11.5 billion annually. I
18 want to stress that is for one class. Now think of all the
19 classes that will be coming through.

20 Ensuring that more students graduate from high
21 school is an important first step, but earning a diploma is
22 no longer enough in today's society. And so we need
23 additional training or education.

24 Let me move right to some of the additional
25 regulations that we think are important: Using the Adjusted

1 Cohort Graduation Rate to implement ESSA's requirement to
2 identify and support high schools where one third or more of
3 students do not graduate.

4 Second, not allowing state accountability systems
5 to mask the graduation rates in achievement of traditionally
6 underserved students, such as students of color and low
7 income.

8 Three, requiring that graduation rates carry
9 sufficient weight within state accountability systems in
10 order to trigger interventions in high schools with low
11 graduation rates.

12 Four, using funding targeted for school improvement
13 purposes for high quality interventions in schools with
14 lowest performing students.

15 And five, clarifying that states have the
16 flexibility to utilize accountability dashboards not just
17 indexes, just as a car's dashboard provides information on a
18 variety of parts, such as the engine, tire pressure, or gas
19 levels, an accountability dashboard provides an array of
20 information about school performance and practices rather
21 than a single index score. Dashboards promote transparency,
22 support continuous improvement of all schools, and allow
23 states to more effectively measure the deep learning skills
24 and competencies students need to be successful in this
25 world.

1 movement to restore authority in education policy to states
2 and local school districts. States have been leading the way
3 in education policy for some time. As former Secretary Arne
4 Duncan has said, our best ideas have always come from state
5 and local governments, which are the real hothouses of
6 innovation in America.

7 In recent years, states have raised academic
8 standards, improved assessments, refined state accountability
9 systems, reformed teacher preparation and evaluation systems,
10 and moved forcefully to confront academic achievement gaps.
11 We are now prepared to embrace the new flexibility for states
12 codified under ESSA and use it improve academic opportunity
13 for all students.

14 Congress was quite clear in prescribing the
15 Department's authority regulate under ESSA. The conference
16 committee report, which was approved by a bipartisan vote of
17 39 to 1, contains the following instructions to the
18 Department on academic accountability, for example. While it
19 is the intent of the conferees to allow the Secretary to
20 issue regulations and guidance to clarify the intent and
21 implement the law, conferees intended to prohibit any such
22 regulation that would create new requirements inconsistent
23 with or outside the scope of the law, including regulations
24 that would take from a state the authority to establish a
25 statewide accountability system.

1 ESSA reflects a strong bipartisan congressional
2 intent to restore substantial education authority to states
3 and local school districts. Unlike No Child Left Behind,
4 which codified specific federal accountability time lines and
5 intervention strategies, ESSA empowers states to determine
6 when, under what basis, and how to address the challenges
7 faced by struggling schools.

8 While the law substantially restricts the authority
9 to create new federal requirements through regulation, it
10 also requires the Department to support states and districts
11 and an orderly transition to the new law and clarify areas of
12 the statute that are unclear.

13 The Department should move quickly to provide
14 states with the following: Effective dates for full
15 implementation of all programs and provisions of the law;
16 deadlines for states' submissions of consolidated state plans
17 or individual plans, if the state chooses not to consolidate;
18 clarification on how to approach the intervening time between
19 the lapse of waivers on August 1, 2016, and the
20 implementation of new statutory provisions, including
21 accountability systems under Title I; information on which
22 topics, both within and outside of Title I, that the
23 Department plans to address in non-regulatory guidance or
24 regulation; and clarifications of statutory provisions that
25 are unclear on their face and require specific non-regulatory

1 advocacy and outreach to targeted constituencies we work
2 toward the goal of a more open and just society, an America
3 as good as its ideals.

4 The civil rights community has long recognized
5 equal educational opportunity as central to our struggle to
6 achieve equality for all Americans. Without a robust and
7 thoughtful implementation of ESSA over the next decade, we
8 will have missed a crucial opportunity, and the students we
9 represent will continue to be denied the full protections
10 that they need and are entitled to under federal law.

11 Originally passed on the heels of significant civil
12 rights legislation, including the Civil Rights Act of 1964,
13 we believe that the ESEA is a civil rights law, and
14 implementation of the Every Student Succeeds Act should
15 preserve that legacy, Whether African American, Latino,
16 Asian American, Native America students, students with
17 disabilities, those who speak English as a second language,
18 or those from low income families, the challenges are
19 different than they were in the 1960s, but the stakes are at
20 least as high.

21 The civil rights community worked very hard to
22 preserve the Department's authority to issue regulations,
23 guidance, and provide technical assistance for the
24 implementation of the ESSA. Despite various claims to the
25 contrary, federal funds are still conditioned on thorough

1 compliance with the law. The Department still has the
2 weighty responsibility of developing regulations that are
3 comprehensive enough to ensure that state and local
4 implementation is consistent with the intent of this law and
5 the long-standing federal role in protecting the civil rights
6 of all Americans.

7 The consequences of failing to meaningfully include
8 and respond to the students, parents, and communities, this
9 law seeks to assist are dire. The knowledge perspectives and
10 voices of these communities must drive decisions about
11 funding, accountability, supports, interventions, data
12 reporting, and assessment at the federal, state, and local
13 level. Regulation guidance and technical assistance must
14 ensure that low income communities, communities of color, the
15 disability community, immigrant communities, and tribes are
16 included in decision making.

17 In direct response to the request for information
18 regarding regulations to implement programs under Title I of
19 ESSA, we encourage the Department to propose regulations
20 regarding accountability, assessment, supplement not
21 supplant, educator equity, data reporting, and inter-district
22 resource equity. We believe the Department should propose
23 regulations which ensure that state accountability systems
24 are driven by the performance of groups of students and that
25 support and intervention systems are developed with

1 stakeholders and are implemented to raise achievements for
2 chronic low performing groups of students. It will be
3 crucial to reinforce that so-called super groups or the
4 aggregation of students by race, ethnicity, disability, or
5 income status obscures important differences in history and
6 identity and is not consistent with the law as written.

7 Regulations to implement the assessment provision
8 of the law should ensure that the 95-percent participation
9 requirement is enforced, so that the performance of all
10 students is taken into account. It must be affirmed that the
11 one-percent cap on the alternate assessment is applied at the
12 assessment and not the accountability level.

13 Ensuring the valid and reliable assessment of
14 English language proficiency and the inclusion of English
15 learners in content assessments is crucial to ensuring that
16 these students have the supports they need for English
17 language acquisition and content proficiency. In the
18 instances where local assessments are permitted in the law as
19 a pilot of eventual statewide assessments, and in some
20 districts for the high school assessment, it will be
21 imperative to ensure that assessments meet the highest
22 standards of validity, reliability, and comparability and
23 that students with disabilities and English learners are
24 included in the assessments. These assessments should not be
25 an excuse to provide vulnerable students with lower quality

1 assessments or obscure disparities in student outcomes.

2 The supplement not supplant provisions, if it is to
3 allow greater flexibility in demonstrating compliance, it
4 must presume and ensure an equal base of actual per pupil
5 funding before any federal funds can be considered
6 supplemental. In this provision and throughout regulations,
7 the Department should reinforce the Title 6 non-
8 discrimination responsibility of schools, districts, and
9 states. ED should also seek additional opportunities to
10 advance greater resource equity between school districts.

11 Regulations to implement the data reporting
12 requirements should promote universal access to cross-
13 tabulated data and expand on the availability of data
14 disaggregated by Asian American Pacific Islander categories.
15 The test of regulations guidance, technical assistance, and
16 other implementation activities must be whether or not they
17 advance educational equity and serve the interests of all
18 students. Low income students, students of color, students
19 with disabilities, English learners, and native students
20 deserve no less than robust and thorough regulation by this
21 Department to close opportunity and achievement gaps.

22 Thank you.

23 MS. WHALEN: Thank you.

24 MR. ROONEY: We will now hear from Kim Hymes from
25 the National Center for Learning Disabilities.

1 Education.

2 *Kim Hymes*

3 *National Center for Learning Disabilities*

4 MS. HYMES: Good morning. I am Kim Hynes, and I
5 serve as the Associate Director for Federal Regulations as
6 the National Center for Learning Disabilities. Thank you for
7 convening this public meeting about implementing ESSA.
8 NCLD's full written response will provide additional details
9 on the subjects I will discuss today and will be submitted by
10 the January 21 deadline.

11 Our mission is to improve the lives of the one in
12 five children and adults nationwide who have learning and
13 attention issues. Learning and attention issues are brain-
14 based difficulties that often run in families. Roughly 20
15 percent of children have learning and attention issues and
16 may have trouble with reading, writing, math, organization,
17 concentration, or a combination of these.

18 Many of these children have been identified as
19 having a disability, such as learning disabilities or ADHD,
20 but others struggle with the same challenges and go
21 unidentified. Whether they have an identified disability or
22 not, most of these students spend the majority of their
23 school day in the general education classroom. When provided
24 with the right services and supports, they can and do thrive
25 in school and life.

1 ESSA provides an opportunity to improve outcomes
2 for children with learning and attention issues. The U.S.
3 Department of Education can and should issue regulations,
4 guidance, and technical assistance to all stakeholders to
5 provide clarity and support for the implementation of ESSA.

6 Recognizing my short time today, NCLD has
7 identified four areas that we believe the Department should
8 focus on, but our full written response will include
9 additional areas and details. The four areas I will
10 highlight today are accountability, assessments,
11 transparency, and engaging families.

12 Our first focus areas is accountability. The law
13 includes critical federal guardrails that the Department must
14 strongly enforce. Specifically, NCLD would urge the
15 Department to focus regulations, guidance, and technical
16 assistance on three topics related to accountability. The
17 first is to clarify how schools will be identified as having
18 consistently underperforming students and subgroups of
19 students. The second is to clarify when and how often
20 intervention should be provided to schools with struggling
21 student populations. And the third is to clarify how
22 schools, school districts, and ultimately the state will be
23 held responsible for improving outcomes for all students.

24 Our second focus area is assessments. NCLD urges
25 the Department to issue regulations, guidance, and technical

1 assistance regarding two major areas related to assessments.
2 The first is about the alternate assessment based on
3 alternate academic achievement standards, which I will just
4 refer to as the alternate assessment. And the second is to
5 help ensure students with disabilities have access to a wide
6 range of accommodations on assessments.

7 Regarding the alternate assessment, there are three
8 actions the Department can take to ensure the law is properly
9 implemented. First, the Department must help states and
10 school district implement the one-percent cap on
11 participation. Second, the Department should establish
12 criteria for states to include in any potential waiver
13 application. And lastly, the Department should ensure that
14 students taking the alternate assessment will have access to
15 the general education curriculum.

16 Another issue related to assessments is the under
17 used and lack of availability of accommodations on
18 assessments. For some students with disabilities,
19 accommodations ensure that they are able to access the
20 assessment and demonstrate their knowledge and skills.

21 Next, our third area is ensuring that Title I state
22 and LEA report cards are truly a tool for transparency.
23 Families must know how their child's school is performing, not
24 only through data put into context, but also through
25 narrative commentary that describes areas of strength and

1 challenge and plans for moving forward. These report cards
2 can be informative tools for families, if they contain useful
3 information that is transparent and does not mask the
4 performance of student subgroups.

5 Finally, our fourth focus area is to ensure that
6 the family engagement and meaningful consultation
7 requirements are implemented in a way that meets both the
8 letter and spirit of the law. Here, the Department must
9 provide states and school districts with information about
10 how families and communities can engage with educators and
11 policymakers to support the implementation of this new law.
12 Setting a positive and constructive tone from the outset will
13 benefits students.

14 In closing, I would like to reiterate that NCLD
15 believe the Department has a critical role in implementing
16 regulations, guidance, and technical assistance to support
17 the implementation of ESSA. Policymakers, educators, and
18 families will be looking to the Department for leadership and
19 clarity. NCLD looks forward to continuing to be part of this
20 process and will provide a more comprehensive response in
21 writing.

22 In addition, NCLD also plans on joining with our
23 colleagues in the disability and civil rights communities in
24 submitting additional comments by the January 21 deadline.

25 Thank you.

1 MS. WHALEN: Thank you.

2 MR. ROONEY: Thank you.

3 We will now hear from Brenda Calderon from the
4 National Council of La Raza.

5 *Brenda Calderon*

6 *National Council of La Raza*

7 MS. CALDERON: Thank you to the Department of
8 Education for hosting this timely town hall on the
9 implementation of ESSA. I am Brenda Calderon, and I have the
10 privilege for working for the National Council of La Raza.
11 NCLR is a private, nonprofit, nonpartisan organization
12 established in 1968 to reduce poverty and discrimination and
13 improve opportunities for the Nation's Hispanic families. As
14 the largest national Hispanic civil rights and advocacy
15 organization in the U.S., NCLR serves all Hispanic
16 nationality groups in all regions of the country through a
17 network of nearly 300 affiliates, community-based
18 organizations. Of those, nearly half provide some type of
19 educational service, and we also have a membership of about
20 115 affiliate charter schools.

21 In my remarks I would like to provide a brief
22 statistical landscape of Latino and English learner student
23 population and discuss areas for regulatory actions. NCLR
24 believes that English is critical to success in this Nation
25 and strongly supports English language acquisition and

1 effective integration of immigrants. NCLR and its affiliate
2 network are in the business of helping Latinos and immigrants
3 acquire English. For example, about half of our affiliates
4 provide some English language acquisition services. In
5 addition, NCLR's network of about 115 charter schools serves
6 a diverse group of students, including English learners.

7 NCLR has invested a great deal of time in shaping
8 the Every Student Succeed Act and are working toward building
9 and effective implementation strategy for the law, which we
10 see as a lynchpin for the future Latino students. NCLR and
11 its affiliate network work with Congress to strengthen
12 provisions for English learners by providing clear
13 accountability for helping ELs acquire English and keep up
14 with their English-proficient peers in reading, math, and
15 science. And so I work with Congress to make sure that
16 parents are part of the education process, particularly
17 immigrant parents, who are not English proficient.

18 Now is a critical time to make sure the educational
19 policies set in this new law, the regulations and
20 implementation are responsive to the needs of children it is
21 intended to serve. We still have a long way to go to ensure
22 adequate educational supports for our Nation's most
23 vulnerable children.

24 One in four children in the U.S. schools are
25 Hispanic, and this figure is growing. ELs are one in ten

1 students, and we have continued to see a steady increase in
2 our English learner population in schools. In order for this
3 new law to be successful, we must ensure that it meets the
4 needs of nearly 12 million Latino students in U.S. schools
5 and 5 million English learners in our classroom, 80 percent
6 of which are Spanish speakers.

7 Before the reauthorization, many activists and
8 policymakers argued about what was the best method for
9 helping ELs acquire English. The Every Student Succeeds Act
10 has correctly changed the debate on ELs to a simple question:
11 How can schools improve the academic achievement and
12 attainment of ELs?

13 While by no means a perfect law, ESSA provides some
14 leverage to ensure that Latinos and ELs cannot be ignored.
15 It does this by requiring that student test scores be
16 desegregated by different categories, including race,
17 ethnicity, and English proficiency. The scores will have to
18 pay attention to these students, because it will be a part of
19 their accountability bottom line. However, there are
20 opportunities in the regulatory process to address some of
21 the data assessments and accountability provisions not
22 exclusively stated in the law. And for the purpose of my
23 remarks, I will focus on students identified as English
24 learners.

25 To begin with, the law creates a new definition for

1 the English learner subgroup for the purposes of
2 accountability. States can include ELs up to four years
3 after they have been reclassified in EL subgroup. This will
4 create a masking effect and hide the true performance of
5 current ELs. While we understand the concerns around
6 stabilizing the subgroup to monitor long-term trends, we see
7 this as more appropriate for reporting purposes rather than
8 accountability. And we encourage the Department to
9 desegregate current versus former ELs in the reporting
10 subgroups.

11 Recently arrived English learners, this is probably
12 an area that is the most technical treatment of any
13 subgroups, a special carve out for recently arrived English
14 learners or ELs that have been in the U.S. for 12 months or
15 less. We must make sure that we are not exempting ELs. The
16 law allows for states to continue to exempt ELs from reading,
17 math, and English language proficiency exams for one year
18 from the accountability system. ELs must still take the ELP
19 exam in order for states to comply with provisions in Title
20 III of ESSA. We urge the Department to consider this
21 provision when examining compliance with the recently arrived
22 ELs provision.

23 On assessments, there must be research on which
24 accommodations are most effective at reducing test inaccuracy
25 for ELs, especially now that these exams must be tied to

1 English language proficiency standards. The new law also
2 allows for locally designed assessments. We must consider
3 issues of equity and comparability for students that may need
4 additional accommodations, such as ELs.

5 On accountability, ESSA takes important steps
6 forward to place EL accountability with that of all the other
7 students in Title I. In fact, English language proficiency
8 is an indicator for the school rating system. It is
9 important that this indicator carry substantial weight,
10 especially because English proficiency is tied to the
11 academic achievement. We must take steps to ensure that
12 schools with large percentage of ELs are making this
13 indicator a significant amount of their accountability
14 system.

15 Finally, I will conclude with the need to emphasize
16 parental involvement in the new law and the need to make sure
17 that parents are given consideration as partners in the
18 academic success of their children. Underlying ESSA is the
19 theory that students will meet higher benchmarks if they are
20 challenged. And if they do not, their parents will march
21 into the schools and demand change. To think that the
22 average parent from a low income community can march into a
23 school and connect the dots between state standards, state
24 assessments, and ESSA's complicated accountability
25 requirements is fantasy. Parents need to get the information

1 from an accessible source that can help them understand the
2 complicated school system, particularly as it relates to the
3 new requirements in ESSA.

4 We must make sure that the newly authorized parent
5 and family engagement centers are resourceful and provide a
6 space for meaningful engagement from parents and community
7 partners. Together we can monitor the implementation of this
8 law to work together to ensure that this law does right by
9 our kids.

10 Thank you.

11 MS. WHALEN: Thank you.

12 MR. ROONEY: Great. We will now hear from Tommy
13 Sheridan from the National Head Start Association

14 *Tommy Sheridan*

15 *National Head Start Association*

16 MR. SHERIDAN: Good morning. And thank you all for
17 the opportunity to be here today to provide input regarding
18 the implementation of the Every Student Succeeds Act of 2015.
19 As is noted, I am Tommy Sheridan, the Director of Government
20 Affairs at the National Head Start Association. And I am
21 here today representing the over one million children and
22 families, the 200,000 staff, and the 1,600 grantees that make
23 up the Head Start community.

24 Let me begin just with a statement of
25 congratulations. After working on the periphery of this

1 legislation for several years, the Head Start community is
2 delighted to be finally having an implementation conversation
3 rather than just a legislative conversation. And we would
4 particularly like to congratulate the Department,
5 congratulate Congress and the congressional staff here, as
6 well as all the other advocates and leaders in this room and
7 across the Nation for really their tireless dedication that
8 has taken place over the past several years to improving our
9 Nation's public school system.

10 By way of background, NHSA believes that every
11 child, regardless of circumstances at birth, has the ability
12 to succeed in school and in life, if given the opportunity,
13 such as that which Head Start commits to children and their
14 families. In order to support this commitment in the K-12
15 system, NHSA has four specific recommendations for the
16 Department as they move along with the regulatory process.

17 First, we encourage the Department to promulgate
18 regulations and very clear guidance on the development of
19 agreements between LEAs and Head Start programs. Since 2007,
20 Head Start programs have had requirements to create memoranda
21 of understanding with their LEA partners, but not until ESSA
22 have LEAs been required to do the same.

23 We recommend that the Department of Education work
24 very closely with the Department of Health and Human Services
25 to put forth such regulations and guidances for LEAs about

1 basically how to craft those agreements and in such a way
2 that it aligns with the regulations Head Start already has in
3 place. The lifelong success of our Nation's most vulnerable
4 children and their families depends on the ability for Head
5 Start and their school partners to effectively collaborate.
6 And these agreements have the unique opportunity to support
7 these partnerships.

8 Second, we recommend that the Department of
9 Education promulgate regulations about and in support of the
10 use of Title I funds for early learning, as well as Title II
11 and Title III funds, as well. Specifically, we encourage the
12 Department to create regulations encouraging and describing
13 how LEAs might consider using Title I funds through a mixed
14 delivery system to support and strengthen early learning in
15 their communities. LEAs should receive clear information
16 about the Head Start performance standards, as well as the
17 changes that are coming to the performance standards, how
18 they are to be met, which is something that ESSA requires
19 that schools who are using Title I meet for all their early
20 learning programs. And they should also be given clear
21 guidance about the necessity and benefit of including and
22 partnering with existing programs in their communities to
23 provide these services.

24 Third, we recommend that the Department begin
25 working closely with HHS on the implementation of the new

1 preschool development grants program. We encourage both
2 departments to put forth guidance and funding announcements
3 that clearly articulate to the need to build state early
4 learning systems in collaboration with Head Start and other
5 proven models of early childhood education that are already
6 operating in communities. This is a fantastic opportunity,
7 again understanding its authority lies slightly outside of
8 ESSA, and we just encourage the Administration to begin work
9 as soon as possible.

10 And then fourth and probably most importantly,
11 picking up on a point that was just made, we strongly
12 encourage the Department to continuously focus on children
13 and families throughout the entire development of all ESSA
14 regulations and guidance. We constantly hear from Head Start
15 parents that they do not feel welcome in the K-12 setting,
16 and this needs to change, especially if we want to build and
17 support an effective education system.

18 ESSA provides a perfect opportunity for us to reset
19 this course, and the first step needs to be through the
20 Department's rule-making process.

21 In closing, Head Start appreciates the opportunity
22 to provide comments and recommendations. And NHSA stands
23 ready to collaborate with and support the Administration as
24 the process moves forward. And I would thank you all very
25 much for the time.

1 MS. WHALEN: Thank you.

2 MR. ROONEY: Now we will hear from Christy Wolfe
3 from the National Alliance of Public Charter Schools.

4 *Christine Wolfe*

5 *National Alliance for Public Charter Schools*

6 MS. WOLFE: Good morning. I'm Christy Wolfe,
7 Senior Police Advisor at the National Alliance for Public
8 Charter Schools. The National Alliance for Public Charter
9 Schools is the leading national nonprofit organization
10 committed to advancing the public charter school movement.
11 Our organization worked hard to ensure that the
12 reauthorization of ESEA included the changes necessary needed
13 in the charter schools program and other ESEA programs as a
14 result of the growth and evolution of the charter school
15 community over the last 15 years.

16 As a result, we strongly supported the passage of
17 the Every Student Succeeds Act. U.S. Department of Education
18 has asked for advice and recommendations on topics on which
19 regulations or guidance might be helpful in the
20 implementation of ESSA. We appreciate the opportunity to
21 summarize our comments here today as part of the regional
22 meeting information-gathering process.

23 Public charter schools are public schools or
24 districts under ESSA. Therefore, while some of the issues
25 that require clarification through regulations or guidance

1 are unique to charters, others are not. First of all, the
2 National Alliance supports conducting a negotiated rule-
3 making process on assessments and supplement not supplant
4 provisions. This process can help build consensus and
5 clarity and understanding what is permitted under ESSA. We
6 do not support including additional issues, such as
7 accountability requirements as part of such a process.

8 Regarding standards and assessments, we believe
9 strongly that robust assessments measuring student mastery of
10 reading, math, and science content are critical to school
11 accountability and a critical component of measuring the
12 success of charter schools. We support any regulations or
13 guidance that facilitate the implementation of assessments
14 that measure student growth. Many charter schools
15 demonstrate their effectiveness through growth in their first
16 years of being open, much more so than proficiency rates.

17 We are also supportive of innovation and
18 assessments, but such models should not be implemented at the
19 expense of comparability or robust measures of student
20 achievement.

21 On the issue of accountability, the National
22 Alliance supported the accountability provisions in ESSA that
23 requires states to set goals for all groups of students,
24 which will help to ensure that all students graduate prepared
25 for post-secondary education or the workforce. But while

1 there is intentional flexibility in the statute as to what is
2 required in setting goals and measuring student progress,
3 there is also some ambiguity. For example, what exactly
4 differentiates a school that is comprehensive or targeted
5 interventions and support, if subgroups alone put that school
6 in the bottom five percent?

7 We also believe that there needs to be additional
8 clarity in how to implement measures of school quality and
9 student success. For example, will states be able to develop
10 and index of school quality and success that incorporates
11 several measures? Many charter schools include such measures
12 in their performance metrics. Could there be a way to
13 include those in ratings?

14 The experience charter schools have in measuring
15 school climate and quality can help inform state
16 implementation of these new indicators. We support any
17 clarification that will ensure that states are not
18 backpedaling on accountability for all groups of students and
19 that will ensure that school success is measured primarily on
20 student academic achievement and not soft indicators.

21 In fact, the charter schools program, as
22 reauthorized by ESSA, requires impact on student achievement
23 to be one of the most important factors in determining
24 whether a charter school has its charter renewed.

25 Another important issue requiring clarification

1 concerns alternate accountability and graduation rates. The
2 National Alliance is a strong supporter of the adjusted
3 cohort graduation rate measured over the course of four
4 years. However, a small but growing segment of charter
5 schools focus on students who are overage or under-credited.
6 Such schools have had difficulty demonstrating their success
7 on the context of graduation, in the context of state
8 accountability systems focus on a four-year grad rate. Many
9 of these schools only have students for a short period of
10 time. States will need additional guidance on graduation
11 rates, especially those with accountability assistance for
12 alternate schools on how to differentiate those schools
13 meaningfully and the applicability of the failing to graduate
14 one-third-or-more-students threshold.

15 Since the statute does not specify that the
16 standard has to be met through a four-year rate, we believe
17 there is flexibility for states and charter authorizers to
18 develop meaningful accountability for schools that primarily
19 serve students who have dropped out of traditional high
20 schools.

21 Regarding school improvement and interventions,
22 ESSA doesn't specify what interventions are permissible as
23 part of comprehensive support. We believe charter schools
24 have an important role to play in turning around low-
25 performing schools and helping students in failing schools

1 find access to higher-performing schools. We would like to
2 see any accountability regulations or guidance to clearly
3 delineate restarting charter schools as charter schools as a
4 permissible use of funds.

5 In addition, states and districts should be able to
6 direct Section 1003(c) funding to expanding access to high-
7 quality options for students attending identified schools.
8 In other words, states and districts should be able to
9 implement city-based school improvement and reform strategies
10 with Title I funding for school improvement.

11 One final issue concerns Title I credential
12 requirements and parental right to know. In some states
13 charter school teachers have to meet different requirements
14 than district-run schools and may receive exemptions. These
15 requirements should be implemented consistent with state
16 charter school law and should not trigger notice to parents.

17 Thank you for the opportunity to summarize our
18 comments. And we will submit our detailed comments in the
19 process. Thanks.

20 MS. WHALEN: Thank you.

21 MR. ROONEY: Thank you.

22 We will now hear from Lily Eskelsen Garcia from the
23 National Education Association.

24 *Lily Eskelsen Garcia*

25 *National Education Association*

1 MS. GARCIA: Good morning. And I want to thank the
2 Department for kicking off the new year with this
3 implementation process. What a gift. My name is Lily
4 Eskelsen Garcia. I'm a sixth grade teacher from the Great
5 State of Utah and the proud president of the National
6 Education Association, which represents three million
7 educators, who are teaching students, serving meals, getting
8 kids on buses right now, even as we speak. And this is very
9 important work to them.

10 In the months leading up to the enactment of the
11 Every Student Succeeds Act, we engaged our members who work
12 in every aspect of public schools. And I heard loud and
13 clear from my members what they wanted to see in this new
14 law. They wanted to ensure opportunity really matters in any
15 accountability system. They wanted to guarantee educators'
16 expertise in decision-making. And they wanted to reduce the
17 volume and the over reliance of standardized testing in so
18 many of the decisions that are made for our students.

19 The new law potentially delivers on all three of
20 those, and it is why we are so excited that implementation
21 discussions are starting right away. It paves the way for
22 finally seeing access and opportunity as a real part of what
23 gets counted. And now on an historic development for our
24 education system in this new law, we also see that it returns
25 a significant responsibility to states and school districts

1 to plan on and ensure that students are learning. But it
2 doesn't leave out the important role of the U.S. Department
3 of Education and its enforcement authority and responsibility
4 to ensure that students have equitable access to a robust and
5 well-rounded education and to the supports that students need
6 to make sure that they excel. We call that our whole child
7 education.

8 And like other organizations here today, the
9 National Education Association will put in writing a very
10 comprehensive recommendation list, but I wanted to focus my
11 five minutes on a very key aspect that excites my members.
12 This will be a monumental transition, because it will
13 require, if we do it correctly, a very deep collaboration
14 amongst multiple stakeholders that don't always sit in the
15 same room and discuss how to make sure that kids have what
16 they need.

17 We want to make sure that there are more voices
18 coming together at the decision-making tables. None of us
19 should want to shortcut this very important collaboration.
20 It is the only way that this new law is going to bring us to
21 something better. There is built-in time for that deep
22 engagement of all stakeholders, and we urge the U.S.
23 Department of Education to set a good example by not rushing
24 its process, its part of the process for the sake of
25 expediency.

1 The implementation process is going to have to be
2 simultaneously built at the national, the state, the local,
3 and, what we think as the most exciting part, the school
4 building level. We are going to look at schools across the
5 country, taking a look at policies that need to be updated,
6 need to be improved. And we implore the Department to ensure
7 the regulatory process is infused with the best thinking of
8 the people who actually know the names of the kids, the
9 people who teach them, their parents, that school community.
10 Concepts all across the country are being developed even as
11 we speak. And we hope that the two listening sessions are
12 only the beginning of the Department's listening tour. We
13 believe that it is listening that will lead us to a better
14 place, more engagement of the whole school community, more
15 stakeholder voice. And we believe that that will be the game
16 changers when you bring people together, and they all feel
17 confidence in what is being developed.

18 We intend to practice what we preach. The National
19 Education Association has embarked on its own listening tour
20 so that we can hear from our own members who aren't elected
21 leaders within the organization but are just hard-working
22 professionals, the teachers, the education support
23 professionals, the specialized instructional support folks,
24 librarians, school nurses, everyone.

25 We know that there are innovative performance

1 assessment systems already being developed out there. We
2 know that we are just waiting to make sure that these new
3 ideas have a fair shot at being heard. And we are ready to
4 chart that new path.

5 So on behalf of my members, three million members,
6 and our 50 million public school students, we thank you.

7 MS. WHALEN: Thank you.

8 MR. ROONEY: Thank you.

9 Now Scott Sargrad from the Center for American
10 Progress.

11 *Scott Sargrad*

12 *Center for American Progress*

13 MR. SARGRAD: Thank you very much for the
14 opportunity to speak here today. My name is Scott Sargrad,
15 and I'm the Director for Standards and Accountability at the
16 Center for American Progress. And the Center for American
17 Progress or CAP is a nonprofit, nonpartisan, independent
18 policy institute that is dedicated to improving the lives of
19 all Americans through bold progressive ideas, as well as
20 strong leadership and concerted action.

21 And CAP strongly supported the recent passage of
22 the Every Student Success Act as a major step forward to move
23 beyond No Child Left Behind. And while it is certainly
24 perfect, we believe that ESSA strikes the right balance
25 between accountability and flexibility. It holds states,

1 districts, and school accountable for raising student
2 achievement and closing achievement gaps while giving them
3 the flexibility to design systems that meet their students'
4 specific needs.

5 With this new law the entire country has the
6 opportunity to renew and refocus our energy on dramatically
7 improving outcomes for all students and increasing equity.
8 And the Department has a clear role and responsibility to
9 regulate and enforce the law, particularly when it comes to
10 improving outcomes for disadvantaged students.

11 In order to advance ESSA's goals of providing all
12 students with a fair, equitable, and high-quality education
13 and to close achievement gaps, the Department should consider
14 issuing strong regulations, guidance, and technical
15 assistance in at least five key areas: standards,
16 assessments, accountability, fiscal issues, and educator
17 equity.

18 First with respect to standards, the Department
19 must ensure that all states truly have rigorous standards
20 that prepare students for college and a career. The
21 Department should consider regulating to clarify how states
22 can demonstrate that their standards truly do align with
23 college entrance requirements for credit-bearing courses, as
24 well as career and technical education standards.

25 Second with respect to assessments, ESSA provides

1 an opportunity to move beyond the focus on a single high-
2 stakes test by reducing the consequences associated with an
3 individual state assessment. And to take advantage of this
4 opportunity, the Department should ensure that states support
5 their districts in moving towards better, fairer, and fewer
6 tests, and a much more coherent and aligned system of
7 formative, interim, and summative assessments.

8 The Department should also issue regulations around
9 the new local flexibility for nationally recognized high
10 school assessments and the new innovative assessment and
11 accountability demonstration authority. Here, we think the
12 regulations are necessary to ensure that all assessments
13 implemented under these new flexibilities are high-quality,
14 valid, ribald and support student learning and are comparable
15 and protect equity.

16 Third with respect to accountability, ESSA takes a
17 major step forward by allowing states to build more
18 sophisticated systems that are based on multiple measures and
19 evaluate school performance more holistically than under No
20 Child Left Behind. And the Department's role is to ensure
21 that all states create systems that support student learning,
22 support strong teaching, and protect underserved students.

23 There are a number of areas where the law is
24 unclear, and regulation, guidance, and technical assistance
25 are going to be necessary to help states and districts meet

1 their obligations and the requirements of the law. In
2 particular, the Department should consider regulations,
3 guidance, or technical assistance to clarify the meaning of
4 terms such as meaningful differentiation, substantial weight,
5 much greater weight, significant progress, consistently
6 under-performing.

7 And the Department should regulate to ensure that
8 interventions in the lowest performing schools are truly
9 evidence based, and states and districts are able to
10 understand what those interventions need to be.

11 Still, it is important that the Department not be
12 overly prescriptive and should make sure not to close off
13 innovative approaches to accountability. It should leave
14 states the flexibility to demonstrate using data that their
15 systems do in fact meet the requirements of the law.

16 The Department should make sure to support these
17 innovative approaches, such as balanced scorecard or
18 dashboard systems that still result in annual school
19 determinations. The Department should make sure to support
20 different ways to use student assessment data by not just
21 looking at proficiency rates, but also at scale scores or
22 improvements at multiple achievement levels.

23 Fourth, ESSA makes important changes to some of the
24 fiscal provisions in Title I and some of the related data
25 requirements. These changes can help ensure that the

1 students with the greatest needs and the schools serving them
2 actually do receive the greatest level of funding, while at
3 the same time reducing districts' compliance burden and
4 reducing ineffective and inefficient spending at the local
5 level.

6 The Department should issue regulations that
7 support greater resource equity, including regulations around
8 the new weighted student funding pilot program, the revised
9 supplement not supplant requirements, and the new requirement
10 for reporting actual school level per pupil expenditures.

11 Finally, with respect to educator equity, ESSA
12 maintains critical protections for students through the
13 requirement that low income and minority students are not
14 served at disproportionate rates by ineffective,
15 inexperienced, or out-of-field teachers. And the Department
16 should support states and districts in addressing educator
17 equity gaps by implementing strategies that address the
18 entire teacher pipeline, transforming the systems and
19 policies that support teachers throughout all stages of their
20 careers.

21 And thank you again for the opportunity to speak
22 here today and for the additional opportunity to provide
23 written comments.

24 MS. WHALEN: Thank you.

25 MR. ROONEY: Thanks.

1 Now we will hear from Julie Borst.

2 *Julie Borst*

3 MS. BORST: Good morning, everyone. My name is
4 Julie Borst. I'm a parent advocate from New Jersey. I'm an
5 organizer for Save Our Schools, United Opt Out, and I'm a New
6 Jersey bat in special ed. I came here today to talk about a
7 couple of things. And I have to admit it was difficult
8 choosing a topic with which to speak. And so while many are
9 cheering the change from No Child Left Behind, I'm feeling a
10 little bit more cautious.

11 As a family, we have not had good experiences under
12 NCLB, and it was clearly in serious need of revision. But I
13 don't believe that ESSA really alleviates a myriad of
14 problems within NCLB, particularly for students with
15 disabilities. We seem to be the ones at the end of the
16 conversation always.

17 Among the worst, I think, are still the onerous
18 standardized testing. More students with disabilities will
19 be required to take irrelevant and developmentally
20 inappropriate tests. Local districts will continue to waste
21 precious dollars on infrastructure to support these tests.
22 And I'm not sure for what. That's a conversation, obviously,
23 that can go on for a very long time, and I think it's worth
24 having. Let's just say that from where I sit as a parent and
25 an advocate that the tests are a waste of time and money.

1 Well-trained, dedicated professionals, as Lily was talking
2 about, are what's needed, not more tests.

3 However, the reason I'm here today is to talk
4 specifically about social impact bonds, otherwise known as
5 Pay For Success. You can find the explanation of that on
6 ESSA page 797, line 17. The current landscape in special
7 education is a dire one. In states like New Jersey it has
8 become increasingly difficult for parents to get appropriate
9 identification, classification, and services for their
10 children. OCEP* and OCR* have become yet another roadblock
11 to appropriate services.

12 I believe the root of that difficulty is money.
13 IDEA is poorly funded, and it has been so ever since its
14 inception. Money is now spent on everything related to high-
15 stakes testing, prep, massive curricula changes, computers,
16 infrastructure, and teacher professional development that is
17 geared to the use of that technology rather than honing their
18 skills as educators.

19 In New Jersey there is an even more formalized
20 process about to begin, response to intervention, a program
21 that will likely make it less likely for a student with a
22 disability to get timely identification classification and
23 services. There appears to be little actual focus on
24 identification and then possibly doing something about it.

25 So preschool, high-quality preschool, has become

1 the new mantra in this vein, especially in New Jersey.
2 Studies show that high-quality preschool can reduce the
3 percentage of students who go on to kindergarten and are then
4 classified for special education. These percentages are
5 anywhere from a reduction of 10 to 50 percent of students who
6 would otherwise need special education services. The impact
7 is a positive and clear one. Let me be really clear about
8 this. It does make sense to support high-quality preschool.
9 We need a definition of what that is. And what doesn't make
10 sense, though, is for private investors, Wall Street, to be
11 the ones funding these programs and then making money off the
12 children in those programs not being classified for special
13 education.

14 So Pay for Success is a use of private money
15 invested into public programs, in this case public preschool.
16 The program was first tested in Utah and claimed to have a
17 99-percent success rate. And that sounds amazing. Right?
18 So 109 of the 110 students, who were identified as at risk or
19 possibly in need of special education, out of 600 preschools
20 did not require special education.

21 Goldman Sachs received money back for every one of
22 those 109 students and will continue to do so as long as they
23 are not classified for special education all the way through
24 sixth grade. And to be perfectly frank, this raises a lot of
25 questions. So what was the starting criteria for those

1 students? What diagnostic test did they use? What was the
2 medical history? Demographics? How many students would have
3 likely had to have had special education, if they didn't have
4 a high-quality preschool? How many would they expect to
5 classify even with that experience? What is high-quality
6 preschool? What does high-quality preschool cost? How much
7 did Utah spend on preschool previously? What is the
8 threshold that was to be met by Goldman Sachs to earn its
9 money back, and who would have covered those costs if it had
10 failed?

11 In Utah's case, one test, PVVT, was used. It's not
12 normally used by itself, especially by itself, for
13 identification of learning disabilities. English language
14 learners typically don't do well, because it is a vocabulary-
15 based test. It doesn't necessarily mean they have a
16 disability. And from the outset the criteria presumed that
17 all 110 at-risk identified children were going into special
18 education without high-quality preschool, and that is not a
19 valid presumption.

20 There is also the issue of cost. High-quality
21 preschool costs are generally three to four times what
22 Goldman Sachs invested per student. It is not clear how the
23 high-quality label was actually executed as some of the
24 students went to daycare instead of preschool. Utah has set
25 the rule book, but they also have had no preschool without

1 this program. Why were they allowed to set the bar so low
2 and so obviously skewed as to have this a win for Goldman
3 Sachs? And perhaps more importantly, what is Utah doing to
4 ensure those success students in fact were properly not
5 identified?

6 I understand that on the surface Pay for Success
7 sounds wonderful. Public money that is already so lacking
8 will not have to be used to fund preschool programs.
9 However, success based on a negative outcome of our most
10 vulnerable students demonstrates the loss of our moral
11 compass. Pay for Success has no business being in federal
12 education law. There are too many unanswered questions, too
13 many for this program go -- too much can go very wrong for
14 our most vulnerable students, especially in the current
15 environment. There is no magic pill to cure learning
16 disabilities, but there are many well-documented teacher-
17 driven practices to address identification, classification,
18 and delivery of services. We should be concentrating on
19 those.

20 Thank you.

21 MS. WHALEN: Thank you.

22 MR. ROONEY: Thank you.

23 Next up is Susie Saavedra from the National Urban
24 League. Is she here? I don't think she had checked in yet.

25 Okay. So we will move next to Jeff Simering from

1 the Council of Great City Schools.

2 ***Jeff Simering***

3 ***Council of Great City Schools***

4 MR. SIMERING: Good morning. I am Jeff Simering
5 from the Council of Great City Schools, a coalition of
6 the --- Central City School Districts. Today I will discuss
7 some general comments on ESSA implementation with some more
8 specific written comments to be submitted later.

9 The bulk of the questions we are getting from our
10 urban districts have been on a transition provision for ESSA.
11 The additional provisions in the consolidated appropriations
12 bill provide some clarifications that we think are helpful.
13 But our initial concerns here are primarily based on what the
14 districts need to do programmatically in the upcoming school
15 year in order to maintain the continuity of services. And
16 the Department can be helpful in this regard.

17 We need a letter to all school districts stating
18 succinctly and clearly what school districts need to do for
19 the upcoming school year, school year '16/'17. And we think
20 the rule of thumb actually is what they are doing currently
21 as of the day before enactment is what they can continue to
22 do. But you guys need to tell them that in some guidance
23 letters and to do that quickly.

24 We are also requesting another immediate step from
25 the Department of Education on behalf of a number of our

1 urban districts and thousands of other districts nationwide.
2 We request that the Department use its transition authority
3 or any other authority that it has to absolve any districts
4 now not operating under waiver authority for the upcoming
5 school year from unproductively having to spend their Title I
6 funds on the NCLB set-aside for SES activities. And we need
7 a transition rule on that by the end of this month. To
8 continue to mandate such expenditures that are unproductive
9 in our opinion is tantamount to malpractice.

10 Many districts and state staffers are now reading
11 this act on first impression. And unfortunately in some of
12 the provisions it is difficult to discern what is mandatory
13 and what is permissive. It is common for state and local
14 staff, unfortunately, to sometimes misinterpret these
15 provisions, and they often err in terms of requiring more
16 than what is actually called for.

17 While ESSA has been characterized as substantially
18 providing more flexibility for state and local education
19 agencies, there are hundreds of new statutory provisions and
20 requirements that school districts and states have to still
21 consider. The Department can be helpful here in writing regs
22 and guidance that clearly differentiates between what is
23 required and what is merely allowable or permissive.

24 We think there is a strong continuing role for non-
25 regulatory guidance to explain and provide examples of

1 implementation options and flexibilities. As a general rule,
2 we would recommend merely reiterating statutory language in
3 the upcoming regulations. And we would ask to refrain from
4 further defining terms and adding further criteria. For
5 example, the evidence-based activities definition is
6 referenced dozens of times in the statute in various context
7 and with various qualifications. The Council recommends not
8 adding further complexities to this.

9 Though the Council are big fans of database
10 decision-making, it is widely viewed by our research
11 directors that this particular provision is poorly designed
12 and overly burdensome. And further, expounding on the term,
13 as we have noted in the Federal Register November 22 Notice,
14 we think is actually unhelpful and overstated.

15 The new supplement not supplant compliance
16 methodology we think should be addressed in the regulations.
17 And we will have recommendations on how to do that in the
18 areas of non-school level expenditures. The credibility for
19 ESSA, I think, has been a rocky situation over the last
20 decade. And I think it is in everyone's best interest
21 basically to try to rebuild that credibility. And to do so,
22 school districts need to feel like the Department is paying
23 attention to their local needs and not just listening
24 basically to state departments of education. And to do so,
25 we think that local practitioners should comprise the

1 Policy Advisor for the National Association for Music
2 Education representing 68,000 members. Bringing music
3 education to our Nation's students and schools, we, along
4 with our coalition members and the Music Education Policy
5 Roundtable, believe that all students should have access to
6 high-quality music education.

7 Unfortunately, research from the University of
8 Indiana indicates that elementary students from urban
9 settings, from rural areas, from low income households, and
10 students of color do not share the same access to high-
11 quality music education as their white suburban counterparts.

12 We are excited about the potential that Every
13 Student Succeeds Act writes this wrong by providing
14 supplemental support to increase access to music education
15 for all children. We respectfully ask that the U.S.
16 Department of Education consider the following request as you
17 provide non-regulatory guidance and reporting requirements
18 for Title I(a) in support of high-quality education,
19 including music education, for all.

20 Number one, require disaggregated data for all
21 well-rounded subject educators teaching outside of their
22 credentialed teaching areas, including music educators. We
23 have anecdotal stories from our colleagues that they are
24 being asked to teach reading and math. Having the data to
25 confront this information would be extremely useful for our

1 field.

2 Number two, encourage states to include access to
3 music education as an other indicator determined by the state
4 in the new state-level accountability formulas. New Jersey,
5 utilizing data from its state longitudinal data system,
6 currently includes access to music and arts education as part
7 of its school report card system. Such information helps
8 advocates, philanthropists, and community leaders understand
9 where additional resources may be needed to create better
10 access to music and arts education within their states. The
11 information of statewide access to music and the arts often
12 exists, just not in accessible format for parents,
13 policymakers, researchers, and advocates to use.

14 Number three, including samples of how music and
15 arts programs can be utilized to help children meet
16 challenging state academic standards as part of Title I
17 targeted assistance programs. While states such as
18 California and Arizona have supported arts integration and
19 arts education as part of the whole school reform models
20 under Title I school-wide programs, there are fewer models
21 utilizing targeted assistance funds in support of a well-
22 rounded education. Providing examples in the areas of music
23 and the arts would clarify what this could look like for
24 Title I targeted assistance schools.

25 And finally, number four, include samples of how

1 music and the arts support and contribute to parental and
2 family engagement. Dr. Joyce Epstein recognizes audience
3 participation at student concerts as one of the reasons which
4 parents successfully connect with their schools. Making this
5 connection between concert participation, music education,
6 and family engagement would help call out how music and the
7 arts contribute to a school's culture and climate.

8 Additional suggestions, including non-regulatory
9 guidance or reporting requests for Titles II and IV, will be
10 submitted through the electronic portal.

11 Thank you. Thank you for the opportunity to bring
12 these suggestions to your attention. Of all the issues we
13 fight for as an association of music educators, access to
14 music education for all of our Nation's students, students in
15 rural classrooms, students in inner cities, students from
16 diverse backgrounds, students from homes in poverty, is by
17 far the most important. We are excited about the potential
18 and the possibility ESSA provides in making certain every
19 American child can share in the joy of making music during
20 the school day.

21 Thank you.

22 MS. WHALEN: Thank you.

23 MR. ROONEY: Okay. Next is Dimple Patel from the
24 National Indian Education Association.

25

1 *Dimple Patel*

2 *National Indian Education Association*

3 MS. PATEL: Hi. Good morning, everyone. My name
4 is Dimple Patel. I'm here on behalf of the National Indian
5 Education Association. NIEA is the most representative and
6 inclusive organization that represents the needs of all
7 Native youth. Our membership consists of tribal leaders,
8 students, educators, and researchers. Our mission is to
9 advance the educational opportunities for all Native youth
10 through advocacy, research, and capacity building.

11 So on behalf of the National Indian Education
12 Association I would like to thank the Department of Education
13 for allowing us to share some of our comments regarding Title
14 I implementation. As we transition out of the No Child Left
15 Behind era and begin discussing what implementation looks
16 like in the Every Student Succeeds Act, NIEA wants to make
17 sure that the needs of Native youth are both supported and
18 addressed. And we believe that that begins with meaningful
19 tribal consultation.

20 NIEA wants to emphasize the need for educational
21 entities to collaborate and coordinate efforts to better
22 support our Nation's most vulnerable youth. Through ESSA for
23 the first time ever tribes have the opportunity to play more
24 of an active role in educating their citizens. As excited as
25 we are for this win on behalf of Indian Country, we are also

1 cautious about how states will engage with tribes in regards
2 to consultation, which is why NIEA would recommend that the
3 Department of Education better define meaningful consultation
4 between tribes, states, and local educational agencies. For
5 the shift of power from the federal to state level it is
6 vital that the Department of Education provide clear
7 expectations about what is meaningful consultation versus
8 merely suggesting that it occurs.

9 Particularly as it relates to tribes, the framework
10 for consultation has already been developed. In 2009 the
11 presidential memorandum on tribal consultation was issued to
12 agency heads regarding consultation with Indian tribes
13 pursuant to Executive Order 13175. The memorandum directed
14 each agency head to develop a plan of action for implementing
15 consultation and coordination with Indian tribal governments,
16 as it later recognized the Federal Government's trust
17 responsibility to Native communities.

18 Through treaties, federal law, U.S. Supreme Court
19 decisions, the Federal Government has a trust responsibility
20 to provide adequate resources to Native education. NIEA
21 agrees with the Department of Education's process for tribal
22 engagement through identification, outreach, consultation,
23 and follow-up. We firmly believe that in order for
24 meaningful consultation to occur it has to happen at the
25 earliest possible stage. NIEA recommends that the Department

1 of Education uses this outline police as the basis of its
2 regulations on tribal consultation.

3 We also stand in solidarity with our civil rights
4 partner in urging for strong community involvement and
5 meaningful engagement for implementing Title I programs.

6 Lastly, since a core component of consultation is
7 incorporating the voices of those affected by ESSA, we
8 encourage the Department of Education to continue hosting
9 several regional meetings since today's public hearing and
10 the one hosted next week in L.A. will not holistically
11 reflect all those affected by ESSA.

12 We appreciate the opportunity for education
13 stakeholders to submit comments online. However, less than
14 ten percent of Indian Country has access to broadband
15 internet technology, making it challenging to receive tribal
16 input. For several generations, Indian leaders and Native
17 education stakeholders have urged policymakers to work
18 collaboratively with tribes. With the ESSA pass, tribes and
19 states have a fresh opportunity to combine efforts in
20 providing both a quality and culturally appropriate education
21 to our students. Through the inclusion of NIEA's
22 recommendations the Department of Education will ensure that
23 Title I better supports the needs of our students.

24 Finally, NIEA also supports our civil rights
25 partners ask regarding assessments, accountability, data

1 reporting, and educator equity. So as we move forward in
2 implementing Title I, we are looking forward to working with
3 you all.

4 Thank you.

5 MS. WHALEN: Thank you.

6 MR. ROONEY: Thank you.

7 Next is Jamy Brice-Hyde.

8 *Jamy Brice-Hyde*

9 MS. BRICE-HYDE: Hello. My name is Jamy Brice-
10 Hyde, and I am the first classroom teacher to speak today. I
11 am currently teaching at Horseheads High School. I've been
12 there for 17 years, and I teach social studies and political
13 participation and comparative politics. On Friday when I
14 told my students I wouldn't be there today for them, they
15 said, they always ask, "Why aren't you going to be here?
16 What's wrong?" And I said, "No. I'm coming to speak to the
17 Department of Education." And they were so proud of me and
18 so excited, because they knew, as a matter of fact on
19 December 18, they knew that the ESSA had been passed. And
20 they were excited about it, because their teacher, me,
21 spearheaded a quality of work life study with Badass Teachers
22 Association and the American Federation of Teachers.

23 Thirty-one thousand teachers responded to that
24 survey over a period of ten days last May. What that survey
25 revealed was the demoralization of my profession. And what

1 it also told me is that something needed to change. So when
2 ESSA was reauthorized, I said, wow, I have a little bit of
3 hope. There is a spark of sun ray out there for me and my
4 kids.

5 There is no corporation organization that paid my
6 way to come here today. I drove myself six hours from the
7 Southern Tier of New York with my darling husband and came
8 here because of my kids. My kids are my students. They are
9 everything to me. The only people that mean more to me than
10 my students is my husband and my daughter. There is nothing
11 more important to a teacher than their students. And every
12 tell teacher will tell you they will do everything they
13 possibly can to give their children, their students, the best
14 education possible.

15 Our hope is that the ESSA will give us an
16 opportunity to change course, because that has not been
17 possible under No Child Left Behind nor has it been possible
18 under Race to the Top, No Child Left Behind on steroids.

19 I'm concerned that I'm the only teacher that has
20 spoken so far today. There is a huge divide and an enormous
21 trust issue between public educators, parents, kids, this
22 Department, and this Department and public policymakers. We
23 have to change that, if we're really going to improve public
24 education. The accountability system under No Child Left
25 Behind and under Race to the Top has destroyed teachers. We

1 have been lambasted publicly by multiple billionaire-run
2 organizations saying we're the problem. I've got news for
3 you folks out there. A test score is not going to tell you
4 what these kids need. One in four kids in my State of New
5 York live in poverty. Fix it, not the test.

6 So I came with all this hope, but I didn't tell my
7 kids something. I told them, "Oh, I'm hopeful it's going to
8 be great. It's going to be wonderful." I didn't tell them
9 that the Department of Education sent a letter to every state
10 saying, "If you don't have a 95 percent participation rate in
11 your test, we're going withholding funding." How can you do
12 that? How? We need time. We need time to fix this. We can
13 fix this.

14 If this was a room full of educators, I guarantee
15 you you would have a ten-point plan before we left today,
16 because we know what needs to be done in our classrooms. We
17 know how this bill -- and I read all of it -- we know how
18 this is going to look in our classroom. We know what it
19 needs to look like. I know how to help the urban children.
20 I work in a rural school district. I will tell you I have
21 seen an increase in food security in my district. It's scary
22 what's happening out there.

23 And then your Department sends a letter that says
24 if you don't have 95 percent of the kids taking the test,
25 we're going to withhold your funding. I can't -- I can't

1 even fathom the -- to me, it's unconscionable. It's
2 unconscionable. It's not acceptable. It's not right for my
3 kids.

4 Next I would like to say one other thing. My
5 students asked me to tell you that they envision a school
6 system where they get their field trips back. We haven't had
7 field trips since 2008, 2009. And then 2010 we lost 23
8 percent of our teachers in my district. We have had trouble
9 filling open positions. There's a teacher shortage. It's
10 not just in my district. It's nationwide.

11 We have to reset the button, but we have to rebuild
12 our trust between the Department of Education and teacher sin
13 the classroom and all these organizations that we're lucky
14 enough to have someone to pay their way here. We need time.
15 Don't take our money away. We are so -- we are strapped so
16 tight. My department, my social studies department, we used
17 to have 16 teachers. We're now running on 11. And that
18 meant the kids don't get those special classes.

19 The kids want portfolios to follow them through
20 their school years. They are so stressed out about these
21 tests. They don't even -- they just want to know -- give me
22 the right answer by my side. Give me the right answer. Just
23 tell me what it is. No. You have to learn to think.

24 Those bubble tests, my kid is in college. She is
25 not -- she has taken two bubble tests in four years of

1 college. She is a senior this year. It is all experiential
2 learning, collaboration, and technology.

3 So I went totally off what I wrote, because this
4 was a teachable moment. Please don't take our funding away.
5 In New York there's a task force report, which I have
6 provided with you guys. They put a moratorium on these tests
7 because they're that bad. And parents are going to opt out
8 their kids. My school district had an 18-percent opt-out
9 rate. Can I tell you something? I would love to control
10 parents as a teacher. Guess what? I can't. I have no
11 control over somebody's parents. I only have control what
12 goes on in my classroom and in my school. So why would you
13 punish me and my school and all the other kids for what a
14 parent is doing what they think is the right thing to do?

15 I've run out of time. I hope I can come back and
16 talk to you again. Thank you.

17 MS. WHALEN: Thank you.

18 MR. ROONEY: Thank you.

19 (Applause)

20 MR. ROONEY: I think next on the list was Adam
21 Fernandez from MALDEF. I think he had to leave early. If
22 someone else from MALDEF wanted to speak in his place, we
23 would be happy to hear from that organization.

24 (No response.)

25 MR. ROONEY: Otherwise we will move to the next

1 person, which is Dan Weisberg from TNTP.

2 *Dan Weisberg*

3 *TNTP*

4 MR. WEISBERG: Good morning. My name is Dan
5 Weisberg. I'm the CEO of TNTP, a national nonprofit
6 organization founded by teachers and dedicated to ensuring
7 that all students learn from great teachers. TNTP has had
8 the great good fortune of working with many of the largest
9 school systems in the country over the last two decades. We
10 have seen firsthand how the Elementary and Secondary
11 Education Act, and Title I specifically, has served as a
12 crucial backstop to ensure that our most vulnerable students
13 are treated equitably.

14 That role is more important now than ever. Despite
15 the best efforts of dedicated educators and policymakers, low
16 income students, students of color, students with
17 disabilities, and English learners still face daunting
18 inequities at every turn in funding, access to rigorous
19 courses, and especially access to the most powerful school-
20 based factor in student success, that is, access to effective
21 teachers.

22 Thank you for the opportunity to offer advice on
23 how the Department can continue Title I's long legacy of
24 promoting educational equity. I want to briefly highlight
25 opportunities in four aspects of the new law: Statewide

1 accountability systems, assessments, school support and
2 improvement, and equity distribution of teachers.

3 We believe the direct measures of student
4 achievement should continue to be the predominant factor in
5 accountability systems. ESSA provides new flexibility to
6 include factors beyond student achievement, providing an
7 opportunity for states to improve accountability systems and
8 capture a fuller picture of school performance, but only if
9 new systems are design strategically. And the Department
10 should help states make the most of this opportunity by
11 providing detailed guidance and technical assistance around
12 the usefulness of different measures and how to incorporate
13 them effectively into accountability systems.

14 For example, students and teachers can provide
15 enormously valuable input about classroom and school culture,
16 but this information is only useful as an accountability
17 measure if states ask the right questions on surveys. The
18 Department should establish guidelines that require the use
19 of tools that have demonstrated a link to student
20 achievement.

21 When it comes to assessments, states should be
22 required to provide detailed evidence that their academic
23 standards prepare students for success with credit-bearing
24 post-secondary course work and that assessment schools use
25 valid and reliability measures of progress against these

1 standards.

2 Oversight by the Department will especially
3 important in cases where districts opt to use locally
4 selected assessments at the high school level. ESSA requires
5 LEAs to include evidence-based interventions in their plans
6 for any school identified as needing comprehensive or
7 targeted support and improvement. To ensure that these plans
8 actually help schools get better results for the student they
9 serve, the Department should define evidence-based as a
10 demonstrated relationship to student academic growth or
11 leading indicators to student growth, such as retention of
12 effective teachers.

13 And because struggling schools often have a
14 disproportionately low percentage of effective teachers and a
15 disproportionately high percentage of ineffective teachers,
16 the Department should also require intervention plans to
17 include and report on strategies to address this inequity.
18 Correcting this disparity is an essential part of any
19 successful intervention strategy in our experience, and it is
20 also eminently feasible. In our work we have seen strategies
21 such as early hiring time lines, mutual consent staffing
22 processes, and a focus on retaining effective teachers lead
23 to real improvements in teacher effectiveness and student
24 success at low-performing schools.

25 To ensure that school turnarounds are sustainable

1 over the long run, the Department's regulation should ensure
2 that communities have a real voice in intervention plans
3 before they are set in stone. Given the opportunity and the
4 right information, local stakeholders could play an
5 instrumental role in improving school culture, aligning
6 community-based resources to support turnaround efforts, and
7 even the selection of school leaders.

8 ESSA requires that states report on efforts to
9 ensure that low income and minority students are not
10 disproportionately taught by ineffective teachers. The
11 Department should use this requirement to continue its push
12 for accurate teacher evaluation systems. Though ESSA
13 regrettably doesn't allow the Secretary to require particular
14 indicators or specific measures within evaluation systems,
15 the ban on inequitable distribution of teachers would be
16 rendered meaningless without systems that accurately identify
17 ineffective teachers and distinguish them from their more
18 effective peers. Given this, the Department can and should
19 require that all states have such a system and should define
20 effectiveness as the demonstrated ability to ensure that
21 students meet challenging state standards however the state
22 measures that ability.

23 These regulations wouldn't run afoul of the statute
24 but would encourage states to continue developing evaluation
25 systems that meaningfully differentiate teacher performance

1 so that fewer schools will be flying blind as they work to
2 improve.

3 Thank you very much.

4 MS. WHALEN: Thank you.

5 MR. ROONEY: Next we will hear from Sandra David
6 from the Baltimore Teachers Union.

7 *Sandra Davis*

8 *Baltimore Teachers Union*

9 MS. DAVIS: Good morning. Thank you for the
10 opportunity to provide comments as you work to shape
11 regulations and guidance around the new Every Student
12 Succeeds Act. My name is Sandra Davis. I am
13 paraprofessional member of the Baltimore Teachers Union. I
14 work at REACH! Partnership High School within the Baltimore
15 City Public School System, currently assigned as a one-to-one
16 to a student with disabilities. And I have done that for 26
17 years.

18 In my school and district and in my community we
19 applauded the passage of the Every Student Succeeds Act as it
20 seemed to close the book on the damaging aspects of No Child
21 Left Behind, Race to the Top, and Waivers. I was excited to
22 hear that this law will not mandate school closures or
23 turning a neighborhood public school into a charter school,
24 but will allow supportive interventions designed with input
25 from parents, educators, and community members, those who

1 know best what their schools need.

2 I hope that as you make and enforce the rules
3 around this law that you really emphasize the need to involve
4 educators, parents, and community members in the individual
5 school plans. I am also very happy that this new law retains
6 one of the few things that the No Child Left Behind Act got
7 right, the requirements for paraprofessional certification.
8 I passed the parapro assessment and became a highly qualified
9 paraprofessional.

10 I can tell you that in my job I need those
11 certification requirements. I am often teacher, social
12 worker, and mother to the students, as well as officially a
13 paraprofessional. These certification requirements will help
14 prevent school districts from hiring paraprofessionals with
15 little educational experience or professional training, which
16 is not the kind of people you want in schools when so much
17 emphasis is ensuring that students are ready for college and
18 a career.

19 I hope that the U.S. Department of Education
20 enforces the paraprofessional certification requirements in
21 states and districts. I am also pleased to learn that in
22 Title II the part of the law that provides funds to support
23 educators, including allowing funds to be used for
24 professional development or career ladders. Districts and
25 states must consult with paraprofessionals among others in

1 the development of their plans. I urge the Department not to
2 ignore the importance of paraprofessionals in the
3 implementation of ESSA.

4 Finally, I am glad that ESSA will provides funds to
5 develop more community schools and will allow Title I funds
6 to be used for community school coordinator lookup. In
7 Baltimore I have seen how community schools really support
8 families and provide as many services as health, social,
9 educational. They combat the many problems that go along
10 with poverty. I would like to see the Department of
11 Education encourage the use of Title I funds on community
12 school coordinators not just allow such a use.

13 Thank you again for this opportunity to provide
14 comments. I would be happy to continue the discussion with
15 any representative from the U.S. Department of Education.
16 Thank you.

17 MS. WHALEN: Thank you.

18 MR. ROONEY: Thank you.

19 Okay. Next is Zakiya Sankara-Jabar from the
20 Dignity in School Campaign.

21 ***Zakiya Sankara-Jabar***

22 ***Dignity in Schools Campaign***

23 MS. SANKARA-JABAR: Good morning. My name is
24 Zakiya Sankara-Jabar. I am a parent organizer and Executive
25 Director of Racial Justice Now based in Dayton, Ohio. We are

1 a parent organizing and community-based organization that
2 focuses primarily on organizing African American parents in
3 low income communities around Dayton and Montgomery County,
4 Ohio. I am also the National Co-Chair for the National
5 Dignity in Schools Campaign. Dignity in Schools Campaign is
6 a national coalition of youth, parents, educators, lawyers,
7 and advocates working to ensure that all children are treated
8 with dignity and respect in the classroom.

9 I appreciate the Department for giving me this
10 opportunity as a directly impacted parent of punitive school
11 discipline policies. I believe I'm the first person to
12 really focus on school discipline as it relates to school
13 climate and culture. I am excited that the ESSA does address
14 and includes, as one of the indicators for student success
15 and school quality, school climate.

16 To that end, we would urge the Department
17 (technical difficulty)--- regulation and provide technical
18 assessment to schools that have addressed the requirement and
19 safety that aligns with the 2014 issuance of Joint Guidance
20 on School Discipline issued by this Department and the
21 Department of Justice. In the law it does require, as an
22 indicator, that school climate and school quality does impact
23 student success. Students obviously cannot learn if they are
24 not even in the classroom. Students cannot learn or achieve
25 if they don't feel a sense of respect and love as they attend

1 school.

2 Schools with overly punitive school discipline
3 practices like suspension or expulsions, those students are
4 more likely to drop out of school and to be retained a grade.
5 Schools cannot succeed if students are pushed out. In fact,
6 punitive provisions of the No Child Left Behind law motivated
7 many schools to push students out of schools to inflate test
8 scores. And ESSA should urge schools to keep all students in
9 school and enhance learning for all students.

10 For example, in the State of Ohio black students
11 make up only 13 percent of the overall student enrollment,
12 but 52 percent of all out-of-school suspensions and
13 expulsions. We think that the Department should definitely
14 make sure that regulations around despair impact and
15 disproportionality, in accordance with Title VI, is
16 definitely something that schools and states should be held
17 accountable for, and Ohio should be number one.

18 In the regulations, guidance and/or technical
19 assistance, states should ensure the needs assessment is a
20 fully examined area for improvement to enforce safe and
21 healthy school environments, including reducing the presence
22 of police in schools, reducing suspension and expulsion
23 rates, and addressing in a meaningful way disproportionality
24 and discipline along racial, gender, and disability lines.

25 In the regulation, guidance and/or technical

1 assistance to states should urge local education agencies to
2 meaningfully include parents and other stakeholders in
3 developing a needs assessment, including and being receptive
4 to the input and ideas about fostering safe and healthy
5 school environments. Regulations, guidance, and technical
6 assistance to states is needed to help LEAs identify partners
7 for programming under Title I, give strong consideration to
8 nonprofit community-based organizations and entities to
9 partner with schools. Community-based organizations who have
10 a foothold in the relationship with parents and other
11 stakeholders in the community should definitely be considered
12 first as a partner in local education agencies. Guidance is
13 needed to ensure that for-profits do not monopolize upon
14 these opportunities without having the needed expertise and
15 experience in serving in low income school districts,
16 guidance needed to ensure distribution of funds is
17 geographically diverse, guidance for how schools can monitor,
18 track, and report on the use of funds to ensure that they
19 will be used as intended. This is key for accountability.

20 And finally, I would like to again thank the
21 Department for allowing me to have this opportunity to
22 address this body and to address you. I am happy to be here
23 as a parent, again, of a student who was overly disciplined
24 starting at the age of three years old. We all know that
25 African American students, in particular African American

1 male students, are disproportionately impacted by
2 suspensions, expulsions, and even school-based arrests. And
3 we are here to highlight that as an issue and hope that the
4 Department will consider very strongly regulations around how
5 that looks in local education agencies and in states.

6 Thank you very much.

7 MS. WHALEN: Thank you.

8 MR. ROONEY: Okay. Next is Alice Cain from Teach
9 Plus.

10 *Alice Cain*

11 *Teach Plus*

12 MS. CAIN: Good morning. I am Alice Johnson Cain,
13 the EVP at Teach Plus. I'm also a former GED and ELL teacher
14 and the parent of two public school children, including one
15 child in a locally designated challenge school. Teach Plus
16 is a national nonpartisan nonprofit that empowers effective
17 experienced teachers to become leaders in policy and practice
18 issues that affect their students. Since 2009 we have grown
19 from working with a handful of teachers in Boston to now
20 working with tens of thousands of teachers in cities across
21 the country. All of our teachers are high performing and all
22 teach in high poverty schools. Their students arguably have
23 the most at stake as the new law is implemented.

24 I would like to cover two things today, share some
25 themes I have heard from our nearly 4,000 teachers who were

1 involved in ESSA advocacy, and make suggestions that I think
2 can make a difference in ensuring implementation is
3 successful for as many students as possible.

4 I would add that Teach Plus is a proud partner of
5 the Leadership Conference on Civil and Human Rights
6 Coalition. And we support the perspective as shared in more
7 detailed by Liz King earlier.

8 Teach Plus teachers spent significant time sharing
9 their expertise with policymakers who wrote ESSA. This
10 included testifying before the House and Senate,
11 participating in three congressional briefings, four Hill
12 Days, a series of flash polls, and dozens of meetings with
13 policymakers both in D.C. and in members' congressional
14 districts.

15 Our teachers focused on four issues: Assessment,
16 accountability, resource equity, and teacher leadership.
17 They are strong proponents of continuing annual statewide
18 assessments because they believe these assessments can and
19 should be used to improve the quality of education and
20 effectiveness of interventions. In the words of Alex
21 Fuentes, one of our teacher leaders in Virginia, "You cannot
22 separate assessment from teaching. I need to know what my
23 students do and do not understand. State tests give me data
24 on how my students are doing relative to other students, and
25 I need that reality check. State tests also provide data

1 that states and districts can use to develop and refine
2 teacher evaluation systems that recognize and reward
3 excellent teaching, helping to keep the most effective
4 teachers in the classroom." But strict enforcement of the
5 95-percent requirement also matters to our teachers. They
6 have seen what happens when their students are excluded and
7 states cannot be permitted under any circumstances go to
8 backwards in that way.

9 Our teachers are support meaningful accountability
10 connected to action. We conducted a flash poll of over 1,000
11 teachers last June that found nearly three quarters of our
12 teachers support requiring states to intervene when schools
13 don't demonstrate growth for needy students.

14 Our teachers who helped develop the smart act
15 provisions of the law see a strong connection between
16 assessment, accountability, and resource equity. In the
17 words of one of our Chicago teacher leaders, Mika Minor*,
18 "The annual testing data must be used to allocate resources
19 and reevaluate practices and programs that help improve
20 learning outcomes. We should approach this with the idea of
21 improvement based on capacity building and innovation in
22 order to help us as a nation give all students the same
23 chance to succeed."

24 The final thing I want to comment on is teacher
25 leadership. We are thrilled by the provisions supporting

1 teacher leadership, as well as the new Secretary's desire to
2 make elevating the teaching profession one of his top
3 priorities. I have some advice here on what not to do.
4 Whatever you do, please do not think of this as a separate
5 add-on siloed activity. Instead please think explicitly
6 about the links between teacher leadership and your other
7 policy goals. Ideally with the recognition that getting
8 teacher leadership right is a means to an end, to better
9 policy implementation and ultimately better student outcomes.

10 Elevating teacher voice at the state level, as the
11 law is implemented, will make all the difference in its
12 ultimate success or failure. States that include teachers in
13 a meaningful way in decisions, including key decisions about
14 their new state accountability systems, decisions about which
15 assessments to eliminate, and decisions about how to allocate
16 resources based on data, will be more successful in closing
17 the achievement gap than states that don't include teachers
18 in a meaningful way. And states asking teachers at the end
19 of the process to rubberstamp decisions that are made along
20 the way by others does not count as including teachers in a
21 meaningful way. I hope the Department will do everything
22 possible to ensure teachers have a seat at the table in
23 states from the beginning of the implementation process.

24 We are excited about the new Title II provisions
25 designed to assist states and LEAs in retaining effective

1 teachers, including opportunities for effective teachers to
2 lead evidence-based PD for their peers, provide training and
3 support for teachers who are part of instructional leadership
4 teams, and providing professional growth through career paths
5 that incorporate hybrid rules that allow teachers to lead
6 instructional coaching or mentoring while remaining in the
7 classroom with a reduced load. This is something I hear over
8 and over from teachers across the country that they want.

9 One of our D.C. teacher leaders, Megan Dunn, is
10 participating in a DCPS initiative that enables teachers to
11 spend part of the day teaching and the other part engaging in
12 leadership activities. Initiatives like this are essential
13 to improving student outcomes and extending great teachers'
14 commitment to and time in the classroom. I hope you will do
15 everything possible to ensure as many teachers as possible
16 from across the country have the opportunity to grow
17 professionally in similar ways.

18 Thank you.

19 MS. WHALEN: Thank you.

20 MR. ROONEY: Thank you.

21 Before we go to the next to the last person on the
22 list schedule for this morning's session, I did want to say
23 that we will have a little bit of extra time. We have had
24 one or two people who walked in and asked to speak this
25 morning. If anyone else would like to speak before the end

1 of the morning session, please go the registration table so
2 we can try to accommodate as many of them as possible before
3 we break. So if you would like to do that, please go to the
4 registration table.

5 Otherwise we will go to our last scheduled teacher,
6 which is Delia Pompa from the Migration Policy Institute.

7 ***Delia Pompa***

8 ***Migration Policy Institute***

9 MS. POMPA: Good morning. Thank you for the
10 opportunity to comment on the appropriate implementation of
11 the Every Student Succeeds Act with regard to English
12 learners. I am Delia Pompa, a senior fellow in Education
13 Policy at the Migration Policy Institute. The Migration
14 Policy Institute, or MPI, is one of the world's preeminent
15 policy institutions dedicated to the study of migration
16 trends and their effects on communities and to the evaluation
17 of policy options for the effective integration of immigrants
18 into all institutions. MPI is committed to strengthening
19 democratic values, reducing poverty and injustice, and
20 advancing inclusive economic growth and human achievement.

21 Having studied education policies that support
22 successful integration of English learners into our Nation's
23 schools for the last 15 years, our interest in the passage of
24 ESSA and its successful implementation is built on solid
25 data, impartial analysis, deep understanding of political

1 processes, the engagement of multiple stakeholders in our
2 research and analysis, as well as by our interest in the
3 well-being of all children.

4 Thus, we are encouraged by the newly required
5 inclusion of English proficiency outcomes in states
6 accountability systems. This provision is an important
7 example of where additional clarification and technical
8 assistance is required from the Department of Education.
9 Regulations that define parameters for how English
10 proficiency will figure into a state's academic indicators
11 should take into account the size of the English language
12 population in a particular state, growth in proficiency
13 levels in the EL population, and the grade level distribution
14 of all the EL population.

15 Certainly imbedded in these regulations should be
16 guidance on how to measure progress in English proficiency
17 versus measuring English proficiency itself. Fortunately,
18 there is a body of research from which to define these
19 parameters and examples from a few states on how to
20 operationalize this knowledge. The Department must define
21 parameters for ensuring that English proficiency outcomes are
22 included in a manner that reflects analysis of existing data
23 and best practice. Doing so is key to fulfilling the law's
24 intent to include the full spectrum of English learners'
25 performance in accountability.

1 Closely related to inclusion of EL outcomes in
2 accountability frameworks is the new requirement that states
3 develop standardized entry processes into special language
4 services and exit a reclassification from these services.
5 This new provision will drive equity in both identification
6 and appropriate services, if implemented well. Just as a
7 student's access to a good education should not be determined
8 by his zip code, an English learner's right to an appropriate
9 education cannot rely on politically driven identification
10 procedures and criteria.

11 Again, the Department must synthesize and
12 disseminate research and best practice through regulation and
13 guidance, and in this case also ensure that parameters
14 reflect federal protections established through judicial
15 rulings.

16 The law now permits states to include in the EL
17 subgroup EL students up to four years after they have exited
18 special language services. Including former English learners
19 in the English learners subgroup allows states and districts
20 to present a more robust picture of how well their English
21 learner students are progressing after meeting exit criteria.
22 However, by including English learners, excuse me, by
23 including former English learners, overall scores for the
24 subgroup will rise and may mask the performance of current
25 English learners. The Department must address this issue

1 through the regulatory process requiring states to carefully
2 disaggregate and monitor achievement for current English
3 learners and to address any downward trends in performance as
4 soon as they are noted.

5 Further reporting requirements for English learners
6 with disabilities, long-term English learners, and recently
7 arrived English learners will require guidance to clarify
8 operational definitions. Additionally, as the Department
9 considers how states will determine the size of their English
10 learner population, they should take care to consider data
11 generated through modeling of the various methods and provide
12 regulation and guidance reflecting the outcomes of that
13 modeling.

14 The federal roll in education has been critical to
15 safeguarding the civil and educational rights of English
16 learners, and it is important to ensure that gains in federal
17 law are not lost in state and local accountability plans.
18 That will mean an increased need for broader and deeper
19 dissemination of what research has yielded about this group
20 of learners. But it would also mean consultation with all
21 stakeholders who count on this law to support an equitable
22 and excellent education for all English learners.

23 MPI looks forward to working alongside the
24 Department to bring ESSA to full implementation beginning
25 with the regulatory process and continuing through provision

1 of much-needed information and technical assistance to
2 various communities that support English learners. We will
3 be submitting written comments to expand upon my brief
4 remarks today.

5 Thank you.

6 MS. WHALEN: Thank you.

7 MR. ROONEY: Thank you.

8 And before we take any of the walk-ins who asked to
9 speak, I wanted to see if Susie Saavedra or one of her
10 colleagues from the National Urban League has arrived and if
11 there is interest in speaking.

12 (No response.)

13 MR. ROONEY: So a few people signed in as walk-ins.
14 And I will call your names and if you would like to come up
15 and speak, please do so. The first is Heather Noonan from
16 the League of American Orchestras.

17 ***Heather Noonan***

18 ***League of American Orchestras***

19 MS. NOONAN: Thank you for the opportunity to
20 provide comments regarding implementation of the Every
21 Student Succeeds Act. I'm Heather Noonan, Vice President for
22 Advocacy for the League of American Orchestras. The League
23 of American Orchestras is a national service organization for
24 more than 1,300 youth, collegiate, community, and
25 professional orchestras throughout this country. And as

1 nonprofit, community-based organizations, orchestras partner
2 with parents, educators, and other public stakeholders in
3 pursuing increased, more equitable access to arts education
4 in our Nation's schools.

5 Fully supporting the arts has proven to improve
6 students' success and transform the learning environment.
7 And yet the U.S. Department of Education's 2012 fast response
8 statistical survey found that students in the highest poverty
9 schools have the least access to arts education.

10 In its definition of a well-rounded education, the
11 new federal law recognizes music and the arts as essential to
12 a complete education for all students. Guidance from the
13 U.S. Department of Education should encourage states to be
14 publicly transparent about the gaps in access to arts
15 education in Title I schools.

16 U.S. Department of Education guidance can also
17 bring forward examples of how the arts are effective in
18 meeting Title I goals. In identifying examples, the U.S.
19 Department of Education can highlight projects supported by
20 its own arts education, model development, and dissemination
21 program, and professional development program, both of which
22 have supported projects proven to improve student
23 achievement.

24 Finally, in support of ESSA's goal of supporting
25 equitable access to a complete education, we urge the

1 League is the Nation's leading civil rights and urban
2 advocacy organization. And our recommendations are derived
3 from our 104-plus years of advocacy in education and the
4 direct educational services provided by our 94 affiliates in
5 over 300 communities in 36 states and the District of
6 Columbia.

7 Collectively, our movement has served over 2.2
8 million children in the last decade, providing youth a
9 variety of high-quality programs, supports, and services
10 ranging from stem focus after school learning opportunities
11 to running charter schools.

12 During the development and eventual passage of the
13 Every Student Succeeds Act, our movement advocated for strong
14 accountability, resource equity, transparent data, and
15 continued federal oversight. As we move forward into this
16 regulatory phase, our comments will focus on several areas:
17 accountability, meaningful engagement of families,
18 communities and stakeholders, resource equity, and data
19 reporting.

20 For our first priority, we would like to see the
21 Department ensure that state accountability systems are
22 driven by student outcomes and trigger timely interventions.
23 There are aspects of the accountability system that require
24 clarification in our view. We believe that it is Congress's
25 intent that state accountability systems should be driven by

1 student outcome indicators, thus our comments will encourage
2 the Department to clarify the meaning of substantial weight
3 and much greater.

4 We would also like to clarify parameters for the
5 fifth indicator. We also believe that it is Congress's
6 intention for student to begin receiving interventions in a
7 timely fashion and will provide comments encouraging the
8 Department to clarify timelines.

9 For our second priority, meaningfully engaging
10 families, communities, and stakeholders, we have long-
11 standing concerns about the manner in which states and
12 localities have engaged families, communities, and other
13 stakeholders in previous iterations of the Elementary and
14 Second Education Act. We believe it would be helpful for
15 states if meaningful stakeholder engagement is defined.

16 This is of particular importance because the
17 development of state plans and local school improvement plans
18 require engagement. We also believe this will be helpful as
19 states streamline, development, and select their assessments.

20 Our third priority is ensuring the promise of
21 resource equity. Resource equity is a driving factor for
22 inequitable educational outcomes. Congress agrees and has
23 emphasized in ESSA the need to address resources as part of
24 the improvement process. Because these are new provisions,
25 we believe it would be helpful for states to receive some

1 additional guidance to achieve the promise of these
2 provisions.

3 And our fourth priority is ensuring that data is
4 accessible and understandable to the public. Congress
5 requires states to provide data about student outcomes across
6 multiple outlets. Data shed sunlight on educational
7 practices and progress. We want to ensure that this
8 information is both easy to find and easy to understand, as
9 it is another way that families and communities can hold
10 decision-makers accountable for their actions.

11 Thanks for the opportunity to participate in
12 today's meeting. And we will be submitting a longer list
13 with more details for the public record. Thank you.

14 MS. WHALEN: Thank you.

15 MR. ROONEY: Thank you.

16 The next member of the public who signed in is Mary
17 Kingston Roche from, it looks like, CCS. Is that correct?

18 If you could -- a reminder that five minutes for
19 your comments. And if you could let us know your
20 organization when you start, we would appreciate that. Thank
21 you.

22 ***Mary Kingston Roche***

23 ***Coalition for Community Schools***

24 MS. KINGSTON ROCHE: Good morning and thank you for
25 the opportunity to submit our comments. I am Mary Kingston

1 Roche, Director of Public Policy with the Coalition for
2 Community Schools. The new Every Student Succeeds Act
3 contains key provisions that advance the principle that
4 partnerships among school, family, and community are
5 essential for student success. The bill's passage is a
6 pivotal moment for the community schools' movement, which is
7 built on that principle.

8 It empowers state and district leaders to rethink
9 strategies to support all students and to see their
10 communities as vital resources in that effort. As a
11 coalition of over 200 national, state, and local partners,
12 the Coalition for Community Schools represents many voices.
13 These include education, like the School Superintendents
14 Association, National Education Association, American
15 Federation of Teachers, health like Trust America's Health
16 and the School-Based Health Alliance, youth development like
17 YMCA and Boys and Girls Clubs, and others like United Way
18 Worldwide. And we represent more than 150 communities
19 pursuing the community school strategy.

20 For Title I we offer a few specific comments today,
21 and we will be submitting more through comments by January
22 21. First, we are very pleased that the law requires states
23 to incorporate at least one nonacademic indicator into their
24 accountability system. This provision represents a
25 significant recognition of the multiple factors that

1 influence young people's success. We feel that while states
2 should carefully consider which indicators will be most
3 meaningful to include, the Department should encourage states
4 to develop a comprehensive framework for results that ties
5 the academic and nonacademic indicators together. This will
6 ensure that the nonacademic indicators are not just an
7 additional data point that states will collect, but is a
8 powerful tool to drive how states will support students to
9 succeed.

10 We urge the Department to encourage states to
11 undertake an inclusive outreach strategy to determine the
12 indicators that includes educators, families, and community
13 partners. Such a process is most likely to lead to
14 indicators that meet three key criteria.

15 One, communications power, that it is explanatory
16 for a broad and diverse audience. Two, proxy power. It is
17 of central importance and will drive actors to work together.
18 And three, data power based on data that is reliable and
19 consistent.

20 The second recommendation is that we urge the
21 Department to include community partners as stakeholders to
22 be consulted for LEA plans alongside educators and parents.
23 Under ESSA, states and districts must report a broader set of
24 results toward beyond academics, including chronic absence,
25 school discipline, and school climate data. Experience tells

1 us that schools must partner with their community to tackle
2 these goals together. United Ways, community-based
3 organizations, higher education institution, National Urban
4 League chapters, local government and others are already
5 involved in various ways. And the Department can affirm the
6 importance of their involvement in its regulations.

7 Community partners should be included in the
8 development of LEA plans and consultation with a group should
9 be continuous so that relationships can be deepened in impact
10 increased over time.

11 We would also point out that communities included
12 as a stakeholder for other areas in Title I, including
13 school-wide program plans and Part E for flexibility for
14 equitable per-pupil funding. So the inclusion of community
15 partners should be consistent throughout the entire law. The
16 Coalition is prepared to share tools for community engagement
17 strategies that will lead to robust community stakeholder
18 engagement for these purposes.

19 Three, we commend Congress for requiring SEAs and
20 LEAs in their Title I plans to describe how they will improve
21 school conditions for learning. We believe it is essential
22 to meet students' conditions for learning in order to prepare
23 our students to become college and career ready. Moreover,
24 when people think about conditions for learning, they are
25 thinking more comprehensively about what young people need to

1 thrive.

2 The Department should encourage states and
3 districts to articulate what they see as conditions for
4 learning before selecting strategies, as the set of
5 conditions will inform the implementation. The Coalition
6 recommends that states and districts consider our six
7 conditions for learning that we have articulated for years in
8 reports like making a difference, research and practice in
9 community schools. Among these are that the school has a
10 core instructional program with qualified teachers, a
11 challenging curriculum, and high standards and expectations
12 for students, that students are motivated and engaged in
13 learning both in school and in community settings during and
14 after school, and that the basic physical, mental, and
15 emotional health needs of young people and their families are
16 recognized and addressed.

17 The requirements for school-wide program plans
18 align extremely well with the major components of the
19 community school strategy. And we recommend the community
20 school strategy be referenced as a vehicle to effectively
21 implement school-wide programs. From the requirements to
22 coordinate and integrate federal, state, and local programs
23 to conduct a comprehensive needs assessment of the entire
24 school, to address the needs of all the children in a school,
25 these are all activities that community schools do

1 effectively and strategically. And we urge the Department to
2 encourage districts to tap the assets of their partners and
3 consider the community school strategy as a means to
4 implement school-wide programs at a high level.

5 Finally, the Title I requirement for a
6 comprehensive needs assessment for targeted support schools
7 and school-wide programs is a great development. There are
8 numerous community partners ready and willing to step up to
9 support the needs assessment and planning process embedded in
10 various elements of ESSA. By asking districts to involve
11 community partners in the needs assessment, the Department
12 will set the stage for these partners to be deeply engaged in
13 addressing particular needs. The Coalition will be pleased
14 to offer in our longer comments specific components of a
15 comprehensive needs assessment that we see are effective in
16 community school initiatives across the country. And we urge
17 the Department to share these and other recommended
18 components with LEAs to inform their use.

19 Thank you again, and we look forward with working
20 with the Department and our over 200 partners to ensure that
21 schools and communities together give every child every
22 chance to succeed.

23 MS. WHALEN: Thank you.

24 MR. ROONEY: Thank you.

25 And I think, unless there are any other additional

1 walk-ins on the list --

2 MS. WHALEN: Have you register with the table in
3 the back?

4 MR. MARTINEZ: (Away from microphone)

5 MR. ROONEY: Okay. Great.

6 MR. MARTINEZ: I think I went to the wrong table.

7 MR. ROONEY: If you could introduce yourself and
8 your organization when you start, that will be helpful.

9 *Fernando Martinez*

10 *Dignity in the Schools Campaign*

11 MR. MARTINEZ: Hi. Well, thank you for -- my name
12 is Fernando Martinez. And I really appreciate the
13 opportunity of speaking to you today. And I also want to,
14 before I get started, I want to share with you that I'm the
15 field organizer for the Dignity in the Schools Campaign. The
16 Dignity in the Schools Campaign is a national organization
17 made out of parents, classroom teachers, legal groups,
18 advocacy groups, that come together to advocate for the human
19 right of every child in public education. And that's what
20 makes us different, because we look into the human right when
21 we talk about public education. And from that perspective, I
22 want to address you, the Department, and other stakeholders
23 specifically around the school climate as an indicator for
24 the school quality or student success, which is the Section
25 1111.

1 And before -- number one, I would like to also
2 appreciate all the staff and the legislators and our partners
3 who actually work with community members to make sure that
4 these will be in this bill, specifically around very good
5 things around school discipline and school climate.

6 As we understand the law, there are four indicators
7 pretty much for states to choose from as a measure of school
8 quality and student success. The first two of them are
9 performance and annual assessment, four-year graduation rates
10 and progress of English language proficiency. But there is
11 the fourth one, which is optional. And it is our
12 understanding that a state can choose from five different
13 indicators also on how to measure school climate, how to
14 measure school quality and student success. I want to talk
15 to you about the school climate and safety piece, which is
16 the last one, which I think is optional.

17 We are very happy to see this measure right here,
18 but we are a little bit concerned that, you know, we need to
19 have some guidance and regulations on how a school district
20 can actually measure school climate and safety, because we
21 are concerned that safety could actually be interpreted as
22 putting more surveillance camera, putting more metal
23 detectors, putting more police around the schools. And yes,
24 we do want the students to be safe. We do want the teachers
25 to be safe in the classroom. But we must have some guidance

1 there for schools districts to follow and they don't go on
2 the wrong direction, which criminalizing the students and the
3 parents when they actually are in the classroom. This is our
4 concern.

5 So that's the only thing. I'm not going to extend
6 it too long. I just want the Department to be strong about
7 their regulations and guidance that the school districts need
8 to follow when they are choosing to measure school climate
9 and safety. We have many community-based groups in our
10 coalition in more than 20 different states that are working
11 hand to hand with the school district and also some states.
12 For example, in Denver, Colorado, --- is intentionally
13 working with the school district to measure this. They meet,
14 I think, twice a year with the superintendent and the chief
15 of police and the chief of safety. And they actually go
16 through, I think, some kind of checklist. And I remember
17 seeing a report card on school climate and safety.

18 So those kind of examples that are happening in
19 other communities implementing restorative justice bring in
20 more of the communities to deal with discipline are really
21 working and improving the climate. Chicago is doing police
22 circles to different schools. We see that in Miami Dade
23 County in Miami, Florida. Power Youth is also working on
24 restorative justice implementation. Los Angeles Unified
25 School District is working with a lot of our members there,

1 the Labor Strategy Center, Cadra*, and many other member
2 public councils that are actually working with the school
3 district on school climate. And we would be happy to work
4 with the Department on some kind of like checklist, or it
5 could be a self-assessment for the school district to go and
6 say how we're implementing this, how we're measuring this,
7 how we can measure that. It could be a report card.

8 We will be happy to work on that, but we definitely
9 need a strong guidance and regulations on how measure school
10 climate. And we invite the states and the school district in
11 the community. This is an amazing opportunity to measure the
12 success for school climate. And let's work on positive
13 school climate. And we will be happy to work with those
14 states on those kind of hearings or preparing, like I said,
15 this report card or checklist. We will be happy, because we,
16 the parents, the classroom teachers, and the students, know
17 what is needed to improve the school climate. And we are
18 really concerned about enforcement and putting more money
19 behind policing the schools, as well.

20 Thank you.

21 MS. WHALEN: Thank you.

22 Thank you all for your input and priorities this
23 morning. We really appreciate everybody taking the time to
24 come and share your thoughts and perspectives.

25 Just a few reminders. One, we are accepting public

1 comment to be submitted in writing through our E-rule making
2 until January 21, 2016. So if you haven't done so already,
3 please submit your comments in writing.

4 Second is that we will have transcripts of today's
5 meeting available on our website for the public to view and
6 see. It will take us a few days to turn that around, but
7 that will be available.

8 And third, just a reminder that we are going to
9 break now for lunch. We will return at 12:15 p.m. Eastern
10 time. So those on live stream, we will be taking a break for
11 the next approximate hour. And we look forward to seeing
12 many of you back here at 12:15 and hearing from more of you
13 this afternoon.

14 So thank you all very much.

15 (Whereupon, a luncheon recess was taken.)
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A F T E R N O O N S E S S I O N

(12:19 p.m.)

Welcome and Overview

by Ann Whalen

MS. WHALEN: Okay, everybody. Sorry about that. I wanted to get everybody's attention so we can grab our seats and get going for the afternoon session.

Good afternoon, everybody. I am Ann Whalen, Senior Advisor to the Secretary, Delegated the Duties and Functions of the Assistant Secretary for Elementary and Secondary Education.

So I am just going to go over a few things that we went over this morning. For those of you who were here in the morning, bear with us. For those who are here for the first time today, welcome. Good afternoon, everybody.

I just want to first take the opportunity to introduce a few of my colleagues up here with me. To my right is Patrick Rooney, who is the Acting Director of the Office of State Support. And to my left is Kay Rigling, who is a wonderful, amazing program attorney in the Office of the General Counsel. And we also have a number of team members here facilitating today's session, including Deborah, Ashlee, Irene, and the great members of the team from Synergy. If you guys have any questions throughout the course of the afternoon, please do not hesitate to grab any of them with

1 your questions or concerns. You can flag them by their badge
2 with their beautiful ribbons underneath. So that is to help
3 the process today.

4 Second, I just wanted to just say how much we
5 appreciate your time and your willingness to share your input
6 this afternoon. Your advice and recommendations are critical
7 to helping the Department of Education support successful
8 implementation of the Every Student Succeeds Act or ESSA. As
9 you know, President Obama signed ESSA into law on December
10 10, 2015, reauthorizing the Elementary and Secondary
11 Education Act of 1965.

12 This new bipartisan law, which replaces No Child
13 Left Behind Act of 2001, is good news for our Nation's
14 schools and students. The ESSA built on key progress we have
15 made in education in recent years, including a record high
16 graduation rate of 82 percent, and includes many of the key
17 reforms we have called on Congress to enact as part of our
18 reauthorization.

19 The ESSA has a clear goal, ensuring our education
20 system prepares every single child to graduate from high
21 school ready to thrive in college and careers. It includes
22 several provisions that emphasizes equitable access to
23 educational opportunities, including holding all students to
24 high academic standards, ensuring accountability for the
25 lowest performing schools, and ensuring schools with low

1 graduation rates also have accountability.

2 It also empowers state and local decision makers to
3 develop their own strong systems for school improvement. The
4 Department is soliciting advice and recommendations regarding
5 regulations and guidance needed to implement programs under
6 Title I of ESSA both in person and electronically. This
7 provides stakeholders with an opportunity to identify areas
8 that could particularly benefit from regulations and provides
9 specific feedback on what those regulations should establish
10 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 process. You may submit comments
18 on or before January 21, 2016. Again, please submit any
19 comments on or before January 21, 2016.

20 We are also holding this and one other regional
21 meeting to solicit advice and recommendations from
22 stakeholders. The second meeting will be held on January 19
23 at the University of California in Los Angeles. At this
24 meeting, we request your advice and recommendations regarding
25 topics for which regulation or non-regulatory guidance may be

1 As you can see from the agenda, we have -- we are
2 broken into three two-hour blocks. And we are trying to give
3 the participants as much time to provide their advice and
4 recommendations to us. So if you registered in advance, you
5 will see your name on the agenda, which will give you a
6 general time of when you will be speaking this afternoon.
7 But please know that the agenda may change depending if
8 people aren't here, you may go earlier than your name appears
9 on the agenda. So we ask that you be ready to speak at any
10 time during the session.

11 If you did not register in advance but you would
12 like to speak, we ask that you sign in at the sign-in sheet
13 at the registration table outside so we can then know that if
14 we have time, we will try to take as many people as we can.
15 And the time in which they registered, we will take them on a
16 first-come, first-served basis.

17 So we ask that you just please follow along with
18 the agenda so you have a general sense of when you will be
19 speaking. I will also announce each speaker at the end of
20 the previous speaker. So at that point we ask you to come up
21 to the podium as quickly as possible. Each speaker will have
22 five minutes to speak. There is a timer on the podium
23 itself, which will count down the five minutes. It will
24 start green. When you have a minute left, it will turn
25 yellow. And then when your time concludes, it will turn red.

1 We will ask you to conclude your thoughts by the end of the
2 five minutes, if you haven't finished by the time the light
3 turns red.

4 If you have any written comments or copies of your
5 comments that you would like to drop off, we ask that you do
6 that at the registration desk outside. We will be happy to
7 accept those and make them as part of the record.

8 So as a reminder, the event is being live streamed.
9 So any member of the public may watch and listen to your
10 remarks. And we will be making information regarding the
11 public hearing available today on our website, including all
12 the speakers names and affiliations. And following the
13 meeting, it will take a few days until we have this, but we
14 will have a transcript that we will make publicly available
15 on our website. And it is possible that any of the submitted
16 comments you give us will become publicly available, as well.

17 So again, if there are any questions during the
18 day, please talk to any of our colleagues who have name tags
19 around the room or at the registration table, and they can
20 try to answer that. And we appreciate you all for being here
21 today.

22 And with that, we will announce the first speaker,
23 who is Curtis Decker from the National Disability Rights
24 Network.

25 MS. WHALEN: And speakers have the honor of

1 standing up at the podium.

2 **Public Comments**

3 ***Curtis Decker, National Disability Rights Network***

4 MR. DECKER: And if only there was a ramp to allow
5 speakers to come up who might need the accommodation of a
6 ramp here at the Department of Education.

7 I am Curt Decker. I am Executive Director of the
8 National Disability Rights Network. And I want to thank you
9 for the opportunity to present public comments on behalf of
10 the National Disability Rights Network and the Protection and
11 Advocacy System on the role the Department should play in
12 ensuring that Every Student Succeeds Act is implemented in a
13 manner that will benefit all students. We will also be
14 submitting comments to supplement and expand on what I am
15 talking about today, so you can look forward to that.

16 For over 30 years the Protection and Advocacy
17 System has worked to protect the human and civil rights of
18 individuals with disabilities of any age and in any setting.
19 The central part of the work of the P&As has been to advocate
20 for opportunities for students with disabilities to receive a
21 quality education with their peers. IN 2014 alone, the P&Ns
22 worked on nearly 12,000 education cases.

23 We are deeply concerned about the potential impact
24 of changes in Title I for children and youth with
25 disabilities, who have benefitted in important ways from the

1 federal oversight that NCLB provided. P&Ns and other civil
2 rights stakeholders have an important in the development of
3 state plans and their implementation.

4 Specific areas where the Department's guidance can
5 be most valuable, in our opinion and based on our experience,
6 is in the following.

7 State plan development, the Department should issue
8 guidance similar to that that was required in the waiver
9 application package on what states should do to ensure
10 adequate stakeholder input as the state plans are being
11 developed. Stakeholder inputs should be meaningful and
12 ongoing, not just when the plan is nearing completion, and
13 that the states should ensure that the wide variety of
14 stakeholders groups are included.

15 With regard to Title I state and local education
16 agency report cards, we urge the Department to issue
17 regulations clarifying states and LEA report card
18 requirements in areas such as reinforcing the statutory
19 requirements related to the state's accountability system,
20 including specifying the methodology for determine consistent
21 under-performance and the time period used by the state to
22 determine consistent under-performance on the state report
23 card.

24 With regard to N-size, this is especially important
25 in rural areas and when considering the critical issue of

1 intersectionality. As studies have shown, children of color
2 with disabilities are at the greatest risk of school removal
3 and other negative school outcomes. And yet an N-size and
4 data collection system that is inaccurately structured can
5 overlook these problems.

6 N-sizes must be as small as possible to balance the
7 need to protect student privacy with the need to obtain the
8 most information as possible on subgroup performance. It is
9 critical that states receive the technical assistance from
10 the Department of Education that they need to ensure that
11 data is gathered in a manner that will ensure that this
12 balance is maintained. And additionally, the Department
13 should explicit the use of super subgroups.

14 With regard to assessments, the alternative
15 assessments align to alternative achievement standards is one
16 of the most important provisions with students with
17 disabilities. We urge the Department to clarify and
18 reinforce through regulation a number of specific provisions,
19 including reinforce the one-percent cap on participation of
20 students taking the alternative assessment, ensure that
21 participation in the alternative assessments ensure the
22 provisions does not preclude a student from obtaining a high
23 school diploma and emphasize parental notification of the
24 impact of their student participating in the alternative
25 assessment. And we will add additional comments in that

1 area, as well.

2 School quality on student success indicators.

3 School climate indicators are the key to ensuring that
4 children and youth with disabilities, particularly of color,
5 receive a quality education in a consistent and healthy
6 environment. The Department of Ed must provide guidance to
7 states both on the importance of including a school climate
8 indicator in states with low graduation rates, high removal
9 rates, and high dropout rates, particularly those impacting
10 discrete sub-populations, and additionally how to craft such
11 an indicator in a manner that will result in meaningful
12 change.

13 And lastly with regard to seclusion restraint, the
14 Department of Education must issue guidance on the
15 appropriate uses of restraint and seclusion. As NDRN has
16 been reporting since 2009, the use of seclusion and restraint
17 remains rampant throughout the country. The conference
18 report indicated that the state plan should describe how it
19 will support the reduction in the use of restraint and
20 seclusion. NDRN feels strongly that more binding guidance
21 from the Department beyond the aspirational guidance provided
22 in the resource document is critical to ensure that this
23 occur.

24 Thank you again for the opportunity to testify.

25 And as I said, we will be submitting more detailed comments

1 by the time period allowed. Thank you.

2 MS. WHALEN: Thank you.

3 MR. ROONEY: Thank you.

4 Next we will hear from Daniel Domenech from AASA.

5 ***Daniel Domenech***

6 ***AASA: The School Superintendents Association***

7 MR. DOMENECH: Good afternoon. I am Dan Domenech,
8 Executive Director of AASA, the School Superintendents
9 Association. AASA is the national professional organization
10 representing the Nation's 10,000 public school
11 superintendents. As I recently penned in a thank you note to
12 the Congress members who led the effort to authorize the
13 Elementary and Secondary Education Act into the Every Student
14 Succeeds Act, I started at AASA in 2008, when Congress was
15 just one year in what would prove to be an eight-year effort
16 into ESEA reauthorization.

17 Reauthorization has long been the priority of our
18 members who are focused on revising No Child Left Behind and
19 delivering a comprehensive and updated piece of legislation
20 that provided federal parameters while returning autonomy and
21 authority to the state and local level. Our members
22 prioritize an approach that preserved a federal focus on
23 equity that strengthens and supports rather than prescribes
24 and dictates to our Nation's schools.

25 In ESSA, Congress delivered both. AASA looks

1 forward to working with the Department as you move forward
2 with ESSA regulations. We appreciate the expediency with
3 which the Department is undertaking the regulation process
4 and strongly encourage the Department to move regulations
5 that are in line with the spirit of the ESSA statute and that
6 reflect the input and feedback of stakeholders. By focusing
7 the federal role on strengthening and supporting public
8 schools and avoiding any tendency to unnecessarily prescribe
9 and dictate, the Department can and must work to implement
10 ESSA in a manner that reflects the expended authority and
11 flexibility now granted to the education experts at the
12 states and local level.

13 ESSA makes clear Congress's intent that states be
14 solely responsible for the development and implementation of,
15 and decisions regarding, all aspects of their state
16 accountability system. Section 1111(e) clearly states the
17 Secretary may not add any requirements or criteria outside
18 the scope of this act and further says the Secretary may not
19 take any action that would be in excess of a statutory
20 authority given to the Secretary. This is an idea with broad
21 bipartisan support. As the conference report itself writes,
22 while it is the intent of the conferees to allow the
23 Secretary to issue regulations and guidance to clarify the
24 intent and implemental law, conferees intend to prohibit any
25 such regulation that would create new requirements

1 inconsistent with or outside the scope of the law.

2 The Department kicked off the regulatory process
3 with a pair of public hearings and a quick 30-day comment
4 period on Title I regulations. Title I is where many of the
5 onerous punitive elements of NCLB originated. ESSA
6 represents the first time in 15 years that state and local
7 education agencies can demonstrate what they can do in the
8 accountability and assessment arena absent federal overreach
9 and prescription while preserving student subgroups'
10 accountability and graduation rate data.

11 AASA urges the Department to start its regulatory
12 process by remembering that state and local educators are in
13 the business of education to serve children, that they are
14 professionals much better positioned to know the intricacies
15 of local systems and implementation and to practice restraint
16 in designing their regulations to ensure that the Department
17 efforts do not overstep the intent of ESSA or move to create
18 elements of the unbroken NCLB.

19 This is also an excellent opportunity for the
20 Department to assume a leadership role in advocating for the
21 transformative changes that technology and personalized
22 learning can bring to education. By reexamining the rules
23 and regulations that, for example, tie credit-bearing courses
24 with tee time requirements perpetuate the Gregorian school
25 calendar in the 21st century and ignore competency-based

1 that both recognizes the broader flexibility the law provides
2 while also providing some guardrails that will prevent
3 student achievement gaps to grow and a reduction in the
4 number of students who not only don't graduate from high
5 school but are ill equipped to succeed in college and the
6 workplace.

7 There are five areas where you can and should
8 provide guidance and regulations, especially in the area of
9 accountability. The first, ensure opt-out does not undermine
10 the accountability system. It is critical that the spirit
11 and the intent of the law, which requires states to assess 95
12 percent of all students in subgroups be maintained
13 notwithstanding the new rule of construction, which clarifies
14 that the new law does not preempt state or local laws
15 regarding parental decisions not to have their children
16 participation in state assessments.

17 While the law requires participation rates to be
18 included as part of the statewide accountability system,
19 there must be a high bar of what is acceptable to states
20 holding schools accountable. For example, simply including
21 an asterisk next to a school's letter grade for having a low
22 number of students taking the assessment must not be allowed.
23 Instead the Department should provide suggestions and
24 guidance or regulations for how states can implement this
25 requirement.

1 For example, under the NCLB waivers some states
2 automatically identified schools for improvement if they
3 failed to meet the 95-percent target. Failure to set a high
4 bar will allow schools to mask low performance and eliminate
5 the ability for parents to truly compare the relative quality
6 of their child's school.

7 The second area is ensuring the N-size is not used
8 to mask low performance. Under the law, states have
9 flexibility to determine the minimum number of students that
10 must be included in order to report disaggregated data. The
11 law appropriately ensures that such number be statistically
12 sound and ensure student privacy. However, as we witnessed
13 during NCLB, some states have used N-sizes as a way to
14 inappropriately mask the low performance of subgroups. This
15 must not be allowed. Through regulations or guidance, the
16 Secretary should provide examples of what might constitute an
17 acceptable N-size.

18 Area number three, ensure state accountability
19 systems are focused on academics. No surprise coming from
20 the business community. CEOs believe that states should
21 continue to ensure student tests and graduation rates are the
22 predominant factors in determining whether or not states and
23 districts are meeting the state-defined goals and for
24 differentiating among all public schools in the state. The
25 law's requirement that gives states substantial weight to

1 each academic and nonacademic indicator used in their
2 accountability system is in need of clarification. This is
3 particularly in light of the law's additional requirement
4 that academic factors be assigned a much greater weight.
5 Under the waivers, some states have developed index systems
6 which have appropriately assigned a fairly minimal weight to
7 nonacademic indicators, such as attendance. These states
8 should continue to have the ability to assign a relatively
9 small weight to these indicators while still meeting the
10 definition of substantial.

11 At the same time, we note that the law's
12 prohibition on the Secretary to prescribe the weight of any
13 measure or indicator does not appear to prevent guidance of
14 the term much greater for the academic indicator in the
15 aggregate. Therefore, we believe the Secretary should at
16 least consider providing guidance to ensure that the
17 percentage on academic indicators be as high as possible.

18 Area number four, turning around low performing
19 schools. Under the law, states are required to identify
20 three categories of schools, including the lowest five
21 percent and dropout factories, for comprehensive support and
22 improvement. In addition, states have the discretion to
23 identify other categories of schools. We believe the
24 Department should provide guidance and encourage states to
25 identify additional categories of schools in need of

1 improvement.

2 The new law also provides far more flexibility for
3 states' districts, as well as schools, in developing and
4 implementing interventions in schools identified by the state
5 as in need of supportive improvement. The oversight and
6 improvement of low-performing schools is critical, especially
7 as we are working to ensure every student graduates from high
8 school ready for college and the workplace.

9 The Department of Ed should provide guidance to
10 ensure that states, districts, and schools are living up to
11 their responsibilities by developing improvement plans that
12 are rigorous and by implementing interventions that are truly
13 evidence-based, as required under the law.

14 And lastly, keep it simple. We need to make sure
15 that parents and educators understand the accountability
16 systems their states are implementing. The Department could
17 provide models to states, some of which are currently being
18 used, to ensure that states avoid the creation of complex
19 index systems that only confuse educators, parents, and the
20 public.

21 Again, thank you for the opportunity to provide
22 comments at today's hearing. In addition to my comments
23 today, the Business Roundtable will be submitting more
24 detailed suggestions in response to the Department's request
25 for information.

1 Thank you.

2 MS. WHALEN: Thank you.

3 MR. ROONEY: Next up is Stephen Parker from the
4 National Governors Association.

5 *Stephen Parker*

6 *National Governors Association*

7 MR. PARKER: Good afternoon. Thank you so much for
8 the opportunity. On behalf of the Nation's governors, it is
9 great to be here. Education governors are no longer the
10 exception but the norm. Governors have been leading
11 groundbreaking K-12 education innovation to ensure that every
12 child is prepared for a successful life.

13 Governors view ESSA as an opportunity for states to
14 set high, but realistic, expectations for schools while
15 allowing governors to empower educators, parents, and
16 communities to provide the education that all children
17 deserve. Early in 2015 governors offered their plan for
18 reauthorization to guide Congress in their efforts to replace
19 NCLB, including enhancing governors' role, improving early
20 childhood education, and ensuring that all students,
21 regardless of their disability, race, economic status, or
22 English proficiency, receive a high quality education.

23 Congress listened and produced a federal law
24 designed for states that reflects the state-federal
25 relationship envisions by governors, so much so that NGA

1 endorsed ESSA, the organization's first endorsement of any
2 federal legislation in 20 years. This is a historic law for
3 states. And governors plan to play an active role
4 implementing it at the national, state, and district levels.
5 ESSA returns authority to states, districts, educators, and
6 parents. And our top priority is to make sure that it
7 remains with them.

8 ESSA is poised to fuel education innovation across
9 the country. And governors have several priorities they will
10 be paying close attention to as the Department and districts
11 and states move forward with implementation of the law. The
12 first has to do with alignment and coordination. K-12
13 education is not an island. And our Nation's education
14 policy shouldn't be either. ESSA finally breaks down the
15 traditional federal silos and moves beyond the one-
16 dimensional K-12 laws of the past to ensure that students
17 succeed from early childhood into the workforce.

18 Early childhood education is intertwined throughout
19 the law. And governors will work during the implementation
20 process to ensure that states have the flexibility to
21 leverage ESSA funds to ensure that school readiness becomes a
22 reality in every community.

23 Also with workforce and post-secondary education
24 becoming a key piece of accountability systems, governors
25 will make sure that guidance and regulations from the

1 Department build on what states have already been doing and
2 allow them to aim high in those accountability systems.
3 Turning around the Nation's lowest performing schools was a
4 priority of ESSA, and governors share that priority.
5 Governors were pleased that ESSA prioritized state-led school
6 improvement with full flexibility for states and districts to
7 determine the best strategies to intervene in low-performing
8 schools.

9 Governors will make it a top priority to work with
10 the Department and education stakeholders to make sure that
11 the flexibility to determine the best strategies to intervene
12 in low-performing schools remains in the final law that
13 educators and governors and states will be implementing at
14 the local level.

15 Finally on other big issues, we encourage you to
16 look to the states for guidance and information that will
17 hopefully inform your efforts as you write guidance.
18 Particularly in Virginia, Governor McAuliffe has brought
19 together teachers, school boards members, parents, and
20 stakeholders from across the Commonwealth to look at
21 accountability systems and testing. And hopefully they will
22 have a firm result in the next few months to show you the way
23 and show potential ideas for accountability systems and
24 guidance for testing that you all are currently writing.

25 Finally, the governors have really laid out five

1 broad principles that hopefully will guide you all as you
2 develop guidance and regulations moving forward. First,
3 guidance should be the primary tool that the Federal
4 Government utilizes to inform state efforts to implement
5 ESSA.

6 Second, regulations should reflect congressional
7 intent and be promulgated only for sections of ESSA where
8 states, districts, and the Department of Education agree that
9 additional context is necessary.

10 Third, as the leader of each state's education
11 system and the official responsible for creating lifelong
12 learning from early childhood into the workforce, governors
13 should be consulted for substantive input throughout the ESSA
14 implementation process.

15 Fourth, recognizing that each state's readiness to
16 implement ESSA varies, the Federal Government should allow a
17 flexible timeline to allow for early implementation or
18 provide additional time for states to make necessary changes
19 to state policy.

20 Fifth and finally, federal ESSA guidance and
21 regulations, when necessary, should focus on meeting the
22 needs of students and empowering educators and parents,
23 allowing governors to prepare students for the high-skilled
24 careers of the 21st century and for a successful life.
25 Ultimately, governors want to use ESSA to take our education

1 systems from good to great. And let me assure you that
2 governors stand ready to inform the Department's efforts, to
3 work with our fellow education stakeholders to make sure that
4 happens.

5 Thank you so much. We look forward to working with
6 you.

7 MS. WHALEN: Thank you.

8 MR. ROONEY: Thanks.

9 Next up is Elizabeth Davis from the Washington D.C.
10 Teachers Union.

11 *Elizabeth Davis*

12 *Washington D.C. Teachers Union*

13 MS. DAVIS: Good afternoon. Thank you for this
14 opportunity to provide comments as you formulate regulations
15 and guidance around the new Every Student Succeeds Act. My
16 name is Elizabeth Davis, President of the Washington Teachers
17 Union. And prior to that, I was a teacher in D.C. public
18 schools for 40 years.

19 WTU members and teachers across the country are
20 excited about the passage of the ESSA and its potential for
21 relief from the high-stakes test and punish policies that
22 have dominated schools. The law clearly shows that the
23 voices of educators have been heard. It will now be up to
24 individual states and local school districts to take
25 advantage of the opportunities ESSA provides to create

1 systems in which factors, such as resources, working
2 conditions, and teacher voices, must be considered. Teacher
3 evaluation will be used to grow and strengthen the
4 profession, not sort and punish. Assessments will be used to
5 help improve schools and inform instruction, not arbitrarily
6 measure them.

7 School accountability can be based on a number of
8 reasonable factors that align with the needs of students.
9 More time for teaching and learning in schools will be
10 available.

11 I strongly encourage the U.S. Department of
12 Education to follow the frame of the members of Congress and
13 ensure that any guidance or regulations is workable in
14 America's classrooms and supportive of our educators. There
15 is tremendous opportunity in this new ESSA law to allow
16 places like D.C. to have fewer and better tests. The first
17 opportunity is that we can eliminate some of the tests used
18 for the primary purpose of evaluating teachers. I am very
19 hopeful that without the threat of losing Race to the Top
20 money or loss of the No Child Left Behind waiver, D.C. will
21 have the opportunity to develop and implement a teacher
22 evaluation system that truly supports students learning and
23 educator development.

24 I would also like to encourage the Department to
25 work swiftly to allow states and districts to have better and

1 fewer assessments so that more time can be spent teaching and
2 learning. This means that the Department should quickly
3 establish a pilot program for innovative assessments so
4 states willing to try project-based assessments can do so,
5 and other places like D.C. can learn from them.

6 The Department should also make it easy and as
7 quick as possible for states to replace their state high
8 school tests with a nationally recognized one. I know that
9 Chancellor Kaya Henderson and I both agree with this measure.

10 Another way the Department can be helpful is in the
11 area of school accountability. We will continue to put
12 tremendous pressure on teachers and students to increase
13 their park scores, if the accountability system doesn't
14 include measures of school quality and student success beyond
15 these scores.

16 And we will exacerbate our current system of highly
17 unequal education in this city, in which students in poor
18 communities are fed a steady diet of rote reading and math
19 and nothing else, and their more affluent peers engage in
20 rich critical thinking projects and experiences. The
21 Department should encourage truly robust accountability
22 systems with factors beyond test scores considered an equal
23 par test scores not as an afterthought.

24 Additionally, ESSA has put in place good provisions
25 requiring more transparency and accountability for charter

1 schools. This is a welcome step. But I can tell you in
2 Washington, D.C., charter schools have decimated local
3 communities and often exacerbated our city's inequities.
4 Please carefully examine the impact of charter schools on
5 segregation and community well-being when you award grants
6 for charter school development and expansion.

7 Finally, I hope that you will consider community
8 schools as an intervention for struggling schools. Community
9 schools truly support student learning and the health of the
10 families who attend such schools.

11 I want to thank you for this opportunity, and I
12 would be happy to continue the conversation with any
13 representatives from the U.S. Department of Education.

14 MR. ROONEY: Thank you.

15 MS. WHALEN: Thank you.

16 MR. ROONEY: Next we will hear from Janel George
17 from the NAACP Legal Defense and Education Fund.

18 *Janel George*

19 *NAACP Legal Defense and Educational Fund*

20 MS. GEORGE: Thank you so much for the opportunity
21 to be here today. My name is Janel George. I am Senior
22 Education and Policy Council with NAACP Legal Defense and
23 Educational Fund, which has advocated for equal access to
24 quality educational opportunities, including through
25 litigation of cases such as Brown versus Board of Education

1 and through policy advocacy for a little over 75 years now.

2 LDF believes that the Department of Education
3 retains the authority and the responsibility to help
4 implement and enforce the Every Student Succeeds Act through
5 the issuance of regulations, guidance, and technical
6 assistance to states and local educational agencies in order
7 to close achievement gaps and promote student success.
8 Programs under Title I are especially consequential, as they
9 historically support the educationally disadvantaged
10 including districts serving high proportions of low income
11 students and those districts identified as in need of
12 improvement.

13 There are four particular areas in Title I that LDF
14 would like to underscore, and we urge the Department to issue
15 regulations, guidance, and technical assistance to aid in
16 implementation of these areas in particular.

17 First, in the area of subgroup accountability the
18 Department should provide regulations to define the
19 statistically sound minimum number of students that should
20 comprise a particular student subgroup, including students of
21 color. This is essential to capture data on how subgroups of
22 students are performing.

23 Second, in the area of school funding the
24 Department should issue regulations and provide technical
25 assistance to states in identifying and providing targeted

1 funding for Title I districts ensuring geographic diversity
2 in the distribution of fundings and also helping schools to
3 outline methodologies for monitoring use of Title I funds to
4 ensure that they are used as intended. This is all the more
5 essential given that these Title I funds can now be combined
6 with local and other funds under flexible per-pupil spending.

7 Third, in the area of resource equity, for schools
8 identified for improvement we urge the issuance of
9 regulations, guidance, and technical assistance to states to
10 help identify and address resource inequities. In providing
11 information, the states go through the data to design
12 particular interventions, reviewing school-level budgeting
13 and designing remedies and additional assistance for those
14 schools targeted for additional support and in need of
15 periodic review of resource allocation.

16 And fourth, for reintegration of system-involved
17 youth, as a federal partner of the Dignity in Schools
18 Campaign, we know that youth of color are disproportionately
19 targeted, arrested, and referred to the juvenile justice
20 system often for minor disciplinary offenses. This increases
21 their likelihood of dropping out of school and fuels the
22 schools-to prison pipeline. Therefore, we urge the
23 Department, building upon the joint guidance issued by the
24 Department of Education, the Department of Justice, to
25 provide additional guidance, regulations, and technical

1 assistance to ensure that those students who become involved
2 with the juvenile system are able to receive credits that are
3 transferrable, reintegrate, receive the supports to
4 reintegrate back into the school environment, and obtain a
5 necessary high school diploma in order to pursue post-
6 secondary opportunities.

7 And we want to close by thanking the leadership and
8 staff, who really worked hard. And as a part of the Dignity
9 in Schools Campaign, I really want to reiterate some of the
10 comments that were made earlier by other state-based
11 community and local groups, who are part of this coalition,
12 for the inclusion of provisions to support school climate and
13 school discipline reform. We know that leadership and staff
14 really worked hard to include several provisions, including
15 funding for alternatives to punitive discipline practices,
16 such as restorative practices, funding for school-based
17 mental health, and trauma informed responses. We know that
18 these provide the promise for helping to dismantle and
19 address the school-to-prison pipeline. But we also urge
20 regulations and guidance on states on how to measure school
21 climate and school discipline as an indicator of overall
22 school quality.

23 We thank you again for the opportunity to comment.
24 LDF looks forward to submitting written comments and to
25 continuing to work with the Department on implementation of

1 this law. Thank you.

2 MS. WHALEN: Thank you.

3 MR. ROONEY: Thank you.

4 Next we will hear from Vito Borrello from the
5 National Association for Family, School, and Community
6 Engagement.

7 *Vito Borrello*

8 *National Association for Family, School, and Community Engagement*

9 MR. BORRELLO: Good afternoon. I am Vito Borrello,
10 Executive Director of the National Association for Family,
11 School, and Community Engagement. Our purpose is to advance
12 high-impact policy and practice in family, school, and
13 community engagement to promote children's development and
14 improve student achievement.

15 I want to thank the Department for providing this
16 opportunity. We look forward to submitting expanded written
17 comments later this month. Our comments focus on how the
18 Department may advance family, school, and community
19 engagement as an essential strategy to support student
20 achievement and school improvement.

21 Title I is the signature federal program to ensure
22 that all of our Nation's children have access to a high
23 quality education, especially the most disadvantaged. It is
24 also the first federal education program that gives parents a
25 role as full partners in how the Title I program is planned,

1 reviewed, and improved. However, this intent of Title I
2 parents becoming full partners still needs to be realized.

3 Although ESSA makes few changes to the family
4 engagement provisions in previous law, we believe that the
5 existing non-regulatory guidance last revised in 2004 badly
6 needs to be updated to reflect the important advances in
7 research and practice that have occurred in the past ten
8 years. The field needs relevant and useful guidance that
9 includes examples of high-impact practice and that is fully
10 aligned with the Department's dual capacity building
11 framework for family-school partnerships, as well as with the
12 forthcoming joint policy statement on family engagement in
13 the early years and the early grades.

14 Revisions to the NRG in Section 1116 should be
15 guided by four principles, all of which are imbedded in the
16 dual capacity framework. One, family engagement is an
17 essential strategy for promoting child development and
18 improving student learning. Therefore, we must build the
19 capacity of educators to effectively engage families.

20 Two, families are not the problem but essential
21 partners in improving student learning. Parents may not be
22 experts in child development, but they are experts about
23 their own children. Stronger, more purposeful relationships
24 with families support improved instruction.

25 Three, Because family engagement is a shared

1 responsibility, both educators and families need support to
2 effectively collaborate as education partners.

3 And four, close parent-teacher communication and
4 collaboration in developing critical literacy and math skills
5 in class and at home leads to improved student learning.

6 Although the entire NRG needs updating, I will
7 focus today's comments on updating the parent and family
8 engagement guidance in Title I, particularly on the school-
9 parent compact, as well as early learning. The law has long
10 stated that the purpose of the school-parent compact is to
11 show "how parents, the entire school staff, and students will
12 share the responsibility for improved student achievement and
13 the means by which the school and parents will develop a
14 partnership to help children achieve the state's high
15 standards."

16 Unfortunately, the current NRG interprets
17 partnership to mean that teachers, parents, and students
18 should assume separate responsibilities for assuring student
19 achievement. We offer three recommendations.

20 One, the NRG should state that the compact describe
21 how parents and teachers will work together. The compact
22 should be current, linked to the school's achievement data,
23 and describe how teachers in class and parents at home will
24 help students develop the critical skills identified in the
25 school plan.

1 Two, each section of the compact should be
2 developed after parents, teachers, and students have
3 discussed the skills students need to master and how they
4 would like to work together. This is what developed with and
5 approved by parents means.

6 Three, emphasize the new provision in Section 1116
7 about how schools should address the importance of ongoing
8 parent-teacher communications. It states, "Regular, two-way
9 meaningful communication between family members and school
10 staff and, to the extent practicable, in a language that
11 family members can understand." Notices sent home from
12 school about student progress and annual parent-teacher
13 conferences examples given in the current NRG do not satisfy
14 this requirement.

15 Because it is critical to future success that
16 children arrive ready for kindergarten, we also recommend
17 that the NRG emphasize seamless coordination with early
18 learning programs through the following: One, build strong
19 family engagement practices from the early years so that
20 families embed them into the home environment; two, create
21 transition programs so that families can have a seamless
22 transition into kindergarten and sustain the family
23 engagement practices they have been using; three, create
24 welcoming, inviting cultures at all levels of schooling.
25 What has been modeled through Head Start must be replicated

1 and enhanced within K-12.

2 In closing, as Anthony Bryk pointed out in
3 Organizing Schools for Improvement, if we want to transform
4 schools, we must understand the close ties with families and
5 the community is an essential ingredient. If every student
6 is to succeed, then we must raise the standard for we will
7 effectively engage every family in that essential goal.

8 Thank you.

9 MS. WHALEN: Thank you.

10 MR. ROONEY: Thank you.

11 Next is Mary Lee Allen from the Children's Defense
12 Fund.

13 *MaryLee Allen*

14 *Children's Defense Fund*

15 MS. ALLEN: Good afternoon and thank you. I am
16 Mary Lee Allen, Director of Policy at the Children's Defense
17 Fund. CDF appreciates the opportunity to suggest topics to
18 the Department of Education for their Title I regulations and
19 guidance. We believe these are necessary to ensure fair and
20 equitable treatment for all children, as state and local
21 education agencies implement the new Every Student Succeeds
22 Act.

23 CDF has been advocating for more than 40 years for
24 closing the achievement gap for poor children, black children
25 and other children of color, children with disabilities, and

1 children with other special needs. CDF has expressed extreme
2 concern about the diminish federal role in the new act.
3 However, we believe it is critically important to help states
4 now implement meaningful state accountability systems and
5 measures to promote achievement for vulnerable children and
6 vulnerable subgroups of children. The Department's remaining
7 rule-making and guidance authority is essential to make that
8 happen.

9 I will first suggest quickly three general points
10 relevant to the Title I regulations and then in the remainder
11 of my five minutes urge the Department to give heightened
12 attention to students in foster care, a group receiving
13 attention for the very first time in federal education law,
14 to help ensure them educational stability and success.

15 The Department should attend first to three
16 overarching areas in regulations and guidance to help states
17 establish meaningful accountability systems responsible to
18 children with the greatest needs. One is Title VI. Title VI
19 of the Civil Rights Act continues to obligate certain
20 behaviors and obligations to promote equity in education.
21 There must be improvements in school quality to improve
22 student outcomes. This must include, however, attention to
23 achievement, not just achievement, but how to reduce chronic
24 absenteeism and exclusionary school discipline and improve
25 access to rigorous courses and qualified and effective

1 teachers, all essential to school quality.

2 Two is resource equity. States must attend to gaps
3 in access to state and local resources as they assure
4 progress on behalf of all students, including specific
5 subgroups. Meaningful compliance with the requirement in the
6 law for supplementing not supplanting funds to assist
7 students depends on this.

8 Three is publicly available data and new partners.
9 ESSA requires the collection and review of disaggregated data
10 by subgroups, including state report cards. States should
11 make these data publicly available and accessible to parents,
12 students, and other community leaders, who must also be long-
13 term partners as states establish accountability systems to
14 improve student outcomes.

15 In my remaining minutes I want to urge the
16 Department to highlight students in foster care in its early
17 regulations and guidance. These students have been singled
18 out by federal education law for the first time in ESSA, and
19 their risk for poor educational outcomes are well-documented.
20 They are often referred to, in fact, as invisible children.
21 An estimated 56 to 75 percent of them change schools when
22 they first enter care. More than one third of the 17- to 18-
23 year-olds in care have experienced five or more school
24 changes. Only half of youth in care complete high school by
25 age 18. Foster children have lower test scores, high levels

1 of grade retention and dropping out, and lower high school
2 and graduation rates.

3 The new Title I assurances and protections for
4 foster students must be addressed in the Department's first
5 set of regulations and guidance. Attention to these students
6 will be very new for many state and local education agencies
7 and should be singled out.

8 In addition, some of the steps for foster students
9 required in Title I are subject to an expedited timeline.
10 They must be in effect by December 2016, one year after
11 enactment. Each of the assurances to promote educational
12 stability for foster children should be addressed in
13 regulations and guidance: Remaining in the school of origin,
14 immediate enrollment and prompt transfer of records, points
15 of contact, a collaborative local level transportation, and
16 new annual data for foster children on student achievement
17 and high school graduate rates, definitions, processes, and
18 additional resources to assist states and LEAs to help
19 increased educational stability and success for students in
20 foster care, as state and local education agencies and child
21 welfare agencies collaborate on their behalf.

22 We will elaborate further on all of these issues in
23 our written comments. The benefits of school stability for
24 foster children are clear, and we are eager to see the new
25 protections fully implemented as quickly as possible.

1 Thank you for the opportunity to comment.

2 MS. WHALEN: Thank you.

3 MR. ROONEY: Thank you.

4 Next is Marlyn Tillman from Gwinnett STOPP.

5 *Marlyn Tillman*

6 *Gwinnett STOPP*

7 MS. TILLMAN: Good afternoon. I am very honored to
8 have followed Children's Defense Fund. Thank you for the
9 timing. My name is Marlyn Tillman. I am the co-founder of
10 the Gwinnett Parent Coalition to Dismantle the School-to-
11 Prison Pipeline or Gwinnett STOPP for short. We organize
12 parents around school-to-prison pipeline issues by informing,
13 educating, training, and mobilizing them. We are also a
14 proud member of the Dignity in Schools Campaign, a national
15 coalition comprised of 100 organizations that are youth and
16 parent led, working on school climate issues, as well.

17 I am really happy that the N-size was addressed, so
18 I won't beat it. But I will say ditto. It is so needed. It
19 is what is used to hide data and the effects of education on
20 various subgroups.

21 I would like to address some various sections of
22 ESSA starting with use of funds. Funds must go to areas that
23 are geographically diverse. Georgia schools are a mix -- and
24 I should have said I am out of Gwinnett County, Georgia.
25 Georgia schools are a mix of rural and urban. And they are

1 increasingly diverse, increasingly from low-wealth
2 backgrounds, and each one has its own set of challenges and
3 gifts.

4 And so currently Georgia requires the completion of
5 one advance placement test to qualify for their state-
6 sponsored scholarship. And it will soon increase to two.
7 And regulations must be written to ensure that the very
8 students that Title I was intended to uplift have access to
9 these classes that enable them to qualify for higher level
10 learning opportunities.

11 Regulations should dictate that high schools that
12 receive Title I funding qualify for state-sponsored higher
13 education funds. They should also be included in the
14 comprehensive needs assessment and as an indicator in school
15 quality. And that shouldn't be a choice, it should be a
16 mandate. I like shall.

17 Regulations, guidance, and technical assistance
18 must be provided to ensure a safe and secure environment.
19 That requires schools use alternative to exclusionary
20 discipline that research shows does not work. And police
21 should not be a fixture in our schools. They should be
22 called when needed. They should not have a post in the
23 building.

24 Community-based organizations are instrumental in
25 improving school and student outcomes. In theory, Title I

1 funding was expanded to take advantage of this important
2 resource. However, in practice the application and
3 requirements can be prohibitive for community-based
4 organizations. We need regulations that don't line us out.

5 Real family engagement programs, well, ditto what
6 everyone else said. I am just going to add a little bit to
7 it. It has to utilize community-based organizations. That's
8 imperative. Parents trust them. They don't have the bridge
9 yet to the school. And community-based organizations provide
10 that bridge between the school and parents. And research
11 shows that when parents are engaged, students are more
12 successful.

13 It also cannot be a one size fits all. Just like
14 our children are different, we have to have -- our parents
15 are different. And they have different needs. And we cannot
16 assume what works at this school over here also works for the
17 other.

18 And then I am going to say that for groups like
19 Gwinnett STOPP, we are parent-based. We should be in the
20 schools, helping build a bridge. We talk to schools. We
21 talk to parents. We are trusted. And there are other
22 organizations like us around the country that can be utilized
23 and should be written in.

24 Peer review process for developing state plans,
25 guidance needed on outreach and involvement of parents and

1 other community stakeholders, they need to be meaningfully
2 involved. And it needs to take place at a time that parents
3 can fully participate. And it should not require two years
4 of classroom experience. We run a program called Parent
5 Leadership Institute. And I can guarantee you none of them
6 have two years of classroom experience, but they have a
7 wealth of knowledge to input into that. And so it things
8 like that that are barriers, and we are trying to remove
9 those barriers.

10 Regulations to ensure the racial income education
11 programs, again, regionally diverse, and that requires
12 regulations and guidance. And I am in the South. If you
13 don't tell them what to do, they are not doing it. ESSA was
14 begun because states weren't doing the right things. And I
15 think they are getting closer to wanting to, but they are not
16 there yet. And they still need that guidance and regulation
17 to say, yeah, you are going to do it.

18 Strong guidance on the peer review process, again
19 and just very quickly, school climate. Dignity in Schools,
20 we have to talk about school climate. So Gwinnett STOPP
21 successfully advocated for school discipline being included
22 as an indicator on our state report card. We have this
23 really complex report card now, thanks to our waiver, that
24 parents cannot understand. So we asked for school climate to
25 be school discipline. They thought it was great. Didn't

1 implement the first year, but they said, "We'll come back the
2 second year." And they did it. And we were happy. Yes, we
3 got a win. They are going to look at school discipline.

4 And what we found out is that they took it and put
5 it together with other indicators and created some
6 amalgamated indicator. School discipline must be reviewed
7 distinctly, not as part of some amalgamated thing. And that
8 needs to be included in regs guidance, again, to show them
9 what it looks like, just like the guidance for school
10 discipline.

11 Students who are pushed out due to overly punitive
12 practices and policies make students more likely to drop out.
13 And I am just going to really quickly give you some stats
14 here. Gwinnett County, Georgia, largest school system in the
15 state, 292 kindergarteners were suspended in 2011/2012. And
16 in that same year for Georgia 3,977 kindergarteners were
17 suspended. You are telling our youngest learners that school
18 isn't for them. There has to be something different that we
19 do for a child who is throwing a crayon, having a tantrum or
20 something.

21 In Georgia we lost over 1.5 million days of lost
22 instruction to in- and out-of-school suspension. Gwinnett
23 County lost almost 120,000 days. That's too much. Our kids
24 aren't in school. They are not learning. Please feed the
25 school discipline guidance through the regs and the other

1 schools. But how charter schools meet these requirements can
2 sometimes look different. It is an authorizer's job to
3 ensure that all charter schools are held accountable to high
4 standards. And since NCLB we have learned a lot about how
5 Title I helps us do this. I want to share three lessons we
6 have learned that I encourage the Department and states to
7 consider as we embark on ESSA implementation.

8 First, limit data gaps or pauses. Accurate,
9 reliable comparable performance data is crucial when making
10 high-stakes decisions. We all rely on it to make informed
11 decisions about our schools. And authorizes particularly
12 rely on it every year to make high-stakes decisions to renew
13 or close a charter school. A year without achievement data
14 is a year when all schools get a free pass, even those that
15 don't deserve one. This is especially true in the charter
16 sector, where high-stakes decisions to keep schools open or
17 close them will continue to be made during this transition.

18 Last month the Department issued guidance that
19 suspends some indicators for the '14/'15 and '15/'16 school
20 years in the interest of a smooth transition. We don't
21 disagree with this action, but we strongly encourage the
22 Department and each state to make every attempt to minimize
23 these data disruptions. It makes it exponentially difficult
24 to expect the best from our schools, if we don't have
25 benchmarked, objective yearly data on how they are doing.

1 Second, don't put failing charter schools in a
2 state-mandated turnaround program. Close them. In the early
3 2000s, with few charter schools across the country, few
4 states understood how their intervention systems, which are
5 designed for failing traditional schools, would interact with
6 the state's charter school law. This ended up creating a
7 quagmire where some state Title I intervention systems
8 actually got in the way of enforcing a charter contract and
9 shuttering a failing charter school.

10 The Department issued guidance in 2011, which
11 helped clean this up, but there is no substitute for getting
12 it right from the start. ESSA recognizes that effective
13 state charter school laws, which are enforced by authorizers,
14 result in regular, rigorous, charter school accountability.
15 This is in Title I and reinforced throughout the competitive
16 grant program of Title IV.

17 I encourage the Department to make sure states
18 account for charter schools when making their Title I
19 accountability plans, where the best form of accountability
20 for a failing charter school is most often enforcing that
21 charter school contract and shutting that school down.

22 Third, make sure plans for Title I oversight work
23 for all types of schools and all types of overseers. Too
24 often under NCLB the state systems for Title I oversight
25 relied exclusively on the traditional hierarchy and

1 infrastructure of a school district system. Charter schools
2 and authorizers didn't receive information, were asked to
3 contort themselves to fit a traditional mold, or were left
4 with no guidance at all on their Title I oversight
5 responsibilities. At its worst, this can lead to holes in
6 oversight of our Title I funds or it can erode the
7 accountability and autonomy that's at the core of the charter
8 school model.

9 Actions like the Dear Colleague letter from
10 September regarding oversight of charter schools helped, but
11 alone it doesn't fix the underlying problem of a maladapted
12 oversight system. In issuing standards for Title I
13 oversight, please make sure that states consider how these
14 systems will work for charter schools and the authorizers
15 that are the first line of oversight for charter schools in
16 their state.

17 At their best, authorizers in charter schools are
18 exemplars of the locally driven accountability that ESSA
19 promotes. Goals are set locally at each school. That local
20 school decides how to meet them. And the authorizer holds
21 that local school accountable for meeting these goals. We
22 can all use the lessons and innovations of the charter school
23 community, as together we create locally driven Title I
24 systems under ESSA.

25 Thank you very much for your time.

1 MS. WHALEN: Thank you.

2 MR. ROONEY: Thank you.

3 Next -- I apologize, I am probably going to
4 mispronounce this name -- is MenSa Ankh Maa from Teach for
5 America in D.C.

6 *MenSa Ankh Maa*

7 *Teach for America - D.C. Region*

8 MR. MAA: Good afternoon. My name is MenSa Ankh
9 Maa, and I am here representing Teach for America here in the
10 D.C. Region. As you may know, Teach for America is a
11 national, nonprofit organization, which recruits, trains, and
12 supports highly accomplished and diverse college graduates
13 and professionals to become teachers in low income
14 communities across the country and develop into leaders who
15 will remain focused on ensuring that all children in America
16 have access to great educational opportunities.

17 We believe that by recruiting capable and promising
18 teachers with tremendous leadership potential, while
19 committed to working with low income students, can help build
20 a pipeline of talent and innovative leadership that will be
21 needed to help improve outcomes and opportunities for
22 children. Teach for America supports this new law. We
23 believe it will foster further progress towards ensuring
24 excellent schools for all children. And we encourage states
25 and local school districts to continue the work that needs to

1 be done to ensure that neither race nor background nor family
2 income limits a child's opportunities to succeed.

3 We are particularly grateful for ESSA's focus on
4 accountability for traditionally underserved students. We
5 support maintaining the statewide annual testing requirement
6 and associated data disaggregation in order to ensure a
7 yearly transparency for all of our Nation's students so that
8 all students' achievement growth is tracked in a comparable
9 manner and will provide critical information for parents,
10 educators, and teacher education programs.

11 Along similar lines, we also supported empowering
12 states to audit their assessment systems and eliminate poor
13 quality and redundant tests. And we deeply appreciate the
14 balance that the new law seeks to strike between federal
15 guardrails to protect our most vulnerable students and state
16 and local freedom to advocate.

17 We encourage the Department to consider that
18 balance in the development of regulations which both adhere
19 to the guardrails established in the new law while allowing
20 states and localities some room to innovate and create new
21 approaches to improving outcomes for our Nation's students.
22 We understand that states and districts will implement
23 different systems to meet the needs of their students and
24 look forward to the Department both supporting these efforts
25 and sharing out promising local and state practices as they

1 emerge.

2 Teach for America strongly believes all teachers
3 should be held to high quality standards regardless of their
4 pathway into the classroom, whether they are traditionally
5 certified or alternately certified. And we appreciate the
6 new law's focus on teacher effectiveness.

7 Teach for America is committed to ensuring a high
8 bar for school quality and student success indicators within
9 state and local plans and elect a partner with the Department
10 of Education, as well as the states and districts where we
11 teach, to promote indicators that reflect teacher
12 effectiveness. Teach for America is committed to low income
13 students and students of color having access to great
14 teachers. Therefore, we will also work to engage states and
15 districts as partners in developing comprehensive support and
16 improvement plans for low-performing schools.

17 Throughout the ESEA authorization, Teach for
18 America supported required disaggregation of student data
19 along all AAPI subgroups. Along with the Leadership
20 Conference for Civil and Human Rights and other national
21 civil rights organizations, Teach for America was
22 disappointed that this provision was included in the final
23 legislation. However, while there is no federal requirement
24 that states and school districts disaggregate their student
25 data by AAPI subgroups, this law does not preclude states

1 me to offer my recommendations and advice on Title I of the
2 ESSA. I have been a public school teacher for 29 years. I
3 have taught in rural, urban, and suburban school districts.
4 I have a master's in education, and I am national board
5 certified.

6 My proudest role, however, is that I am the mother
7 of a child with disabilities who is enrolled in public school
8 in New York State. Here are my very humble recommendations
9 and advice and what I urge the Department to carefully
10 monitor as we move through the new ESSA.

11 We have seen over the last decade more and more of
12 our children living in poverty. I applaud that the bill
13 increases funding for key formula grants, increases overall
14 funding by two percent each year. 2018 to 2020 is very, very
15 hopeful. Increases in Title I, which is about \$1.2 billion
16 over four years of the authorization. A more than 20-percent
17 increase is amazing.

18 We applaud the increase in the authorizations for
19 Title III, our English language learners, Title VI, American
20 Indian and Alaska Native programs in impact aid are
21 excellent. Increases in the McKinney-Vento leave us hopeful
22 that our homeless children will be serviced and supported.
23 But we need to do much, much more.

24 I am hoping the Department will be mindful of the
25 use of the language called Personalized Learning. Will this

1 be a vehicle for students to be placed in front of a computer
2 screen for several hours a day? This is very concerning to
3 me, as both a mother and an educator. Will this require that
4 children be moved out of their public school to possibly an
5 online learning center? We need to support strong,
6 sustainable public schools in every community so that our
7 children have a chance to attend to school in their
8 community.

9 I know that ESSA requires that each child be tested
10 every year in grades three to eight and once in high school.
11 We are the only nation that demands this of our children. If
12 I were to have it my way as a mother, I would love to have
13 grade span testing by random sampling as we have done pretty
14 successfully with NAPE. Over-testing has depleted much of
15 the real teaching and learning that we need in our
16 classrooms. And hopefully one day we will return back to a
17 time where testing is about giving us good data on kids right
18 away rather than profits for testing companies.

19 I am concerned that our ENL and ELL populations
20 will be subject to multiple statewide interim assessments
21 during the academic year. This once again results in more
22 testing and less learning for our non-English speakers. What
23 we are seeing for our ELL students is less time with their
24 ELL teachers in instruction to teach them and acquire the
25 English language. The drive to get them ready for a test at

1 the end of the year that they are not ready to take due to a
2 lack of language is abusive and inappropriate. Although
3 pushing them into clashes with their English-speaking peers
4 is excellent, and we know it is research proven to help them,
5 there must also be a balance of making sure that we are
6 giving them the instruction they need to acquire the English
7 language. This has been taken away from them in many
8 districts across the Nation.

9 I am concerned about the language geared towards
10 computer-adaptive assessments listed in the act. We have
11 seen testing and technology companies put together inferior
12 products. They sell them to cash-strapped districts. And
13 now the districts are left with inferior products and very
14 little money to sustain them. And I am hoping the Department
15 remains very mindful of that.

16 I am also concerned about the idea of what is now
17 innovative assessment systems, as outlined in Part B Title I
18 that could be used as assessments in school districts. As
19 educators, we have seen technology companies and testing
20 companies pillage the coffers of public education with
21 products that are inferior, that do not enhance teaching and
22 learning, but instead are used to rank and sort children,
23 evaluate their schools and their teachers. This is not what
24 I want for my child. We do not want our classrooms to become
25 places in which children sit in front of a computer screen

1 for several hours a day and the teacher just becomes a
2 computer facilitator. We see a need for technology and to
3 make sure that our students are using it to enhance their
4 learning. That's important. But it should not replace the
5 human interactions that we need in the classrooms to become
6 productive global citizens.

7 Finally from Part A of Title I, I feel that
8 allowing alternative routes to certification will only
9 guarantee that our neediest children will get the least
10 trained teachers. We should require every teacher in every
11 classroom in this country to be fully licensed and accredited
12 from a strong college education program.

13 And finally in closing, I would like to take a few
14 moments to address the letter that the Department sent on
15 December 22 to chief school officers in states that had high
16 refusal rates. This letter stated that the Department may
17 withhold Title I money for states with high test refusal
18 rates. I am from New York and, as you know, we had a high
19 test refusal rate.

20 I want to implore the Department to understand that
21 this trajectory will create conditions where a local school
22 district must pressure parents into making decisions they do
23 not want for their child. This is not good for a positive
24 relationship that school districts need to create in order to
25 cooperatively work with parents.

1 through 12 and on. And we know to do that we have to work
2 together to make that happen.

3 Because while all the levels of governance are
4 important in this process, education is fundamentally a local
5 enterprise. It is where it happens. And that's where the
6 accountability has to take place. And so what I think is
7 most important about this piece of legislation is that it
8 really represents a sort of new federalism, because it
9 resets, I think, the relationship between the federal, state,
10 and local levels of government. It creates the opportunity,
11 which we are deeply committed to, for our new partnership in
12 education.

13 And so it now falls to the Department to make real
14 the promises that were contained in ESSA. And so I want to
15 begin and emphasize that we stand here prepared to work with
16 you in a cooperative way to make that happen. And for that
17 to happen, communications is really critical, ongoing
18 communications between and among all these levels of
19 governance.

20 I would point out that in ESSA in Part, Section
21 8541, there is specific recognition of the importance of
22 community ownership and leadership in public education. It
23 is important, I think, that this language was included both
24 in the House bill and the Senate bill and then, of course,
25 the final piece of legislation. And so in that spirit we

1 come before you today with several recommendations that we
2 hope will guide the successful implementation of this law.

3 First of all, meaningful collaboration. And so we
4 think it is quite important for the Department of Education
5 to obtain input from school boards and other local leaders
6 before acting. We would hope that this kind of communication
7 in this sort of form would be a regular process going
8 forward.

9 But equally important, we think it is critical for
10 the Department to require states to work closely with local
11 school districts. A lot of this decision-making now will
12 shift to state governments. And so it is critical that they
13 work closely with local school leaders in developing state
14 plans, accountability systems, assessments, and so forth.
15 And so, again, this is an opportunity for us to make a
16 difference.

17 Another recommendation deals with flexibility. In
18 this case we think it is important that there be as much
19 flexibility and latitude as possible in the implementation of
20 this law. One size fits all is kind of a worn out phrase,
21 but that's not the direction this law takes. And in fact, I
22 think it recognizes specifically the need for school
23 districts to have some opportunity to make the decisions that
24 are in the best interest of their communities.

25 For example, Title V, Section 5002, provides for

1 greater transferability among funds in Title I. We think it
2 would be very helpful for the Department to provide some
3 clarity on that, which funds can be combined, which ones
4 can't be, and how that can work.

5 And finally, the last area of recommendation deals
6 with support. We are really moving from a punitive and
7 prescriptive process to one that involves cooperation and
8 collaboration. And so for school districts and states to be
9 effective and successful in implementing this new law, the
10 Department would do very well to provide technical assistance
11 in support through your regional offices and your other
12 facilities.

13 We look forward, as I said, to working with you to
14 make this a successful new era in public education, to make
15 this law serve all students well, and to meet the needs of
16 communities across this country. And we will be submitting
17 more detailed comments later.

18 Thank you.

19 MS. WHALEN: Thank you.

20 MR. ROONEY: Thank you.

21 Next is Yolanda Rondon from the American-Arab Anti-
22 Discrimination Committee.

23 *Yolanda Rondon*

24 *American-Arab Anti-Discrimination Committee*

25 MS. RONDON: Good afternoon. My name is Yolanda

1 Rondon. I am staff attorney for the American-Arab Anti-
2 Discrimination Committee. And on behalf of AAADC I would
3 like to thank you for the opportunity to speak here today.
4 AAADC for the last 35 years has defended Arab-Americans
5 against discrimination, defamation, and stereotyping. For
6 the last 20 years we have focused on education and policy
7 initiatives that impact our students, as well as English
8 language learners.

9 The Arab-American population here today in the
10 United States is estimated at over 3.5 million people
11 representing over 22 countries, very diverse. And important
12 with this is that the Arabic language connects all of us.
13 And we want to emphasize the dichotomous conception that the
14 English language learner community is exclusive Spanish.
15 That is wrong. The Arabic-speaking population is one of the
16 largest growing speaking populations in the United States.
17 And we are disproportionately underserved in our schools and
18 our school districts. We have to resort to litigation and
19 many consent decrees just to ensure the fact that we can have
20 appropriate, culturally appropriate material to ensure that
21 the translators and interpreters at our schools are actually
22 qualified.

23 And so I am going to touch a little bit more on
24 that later, but I want to bring back and go back to the fact
25 that in the United States often wealth has always been

1 associated with access and opportunity. And unfortunately
2 those who don't have wealth don't have the power or even the
3 substantive right to a quality education. And this has been
4 a reality for many Arab-Americans in this country, but
5 particularly for those who are of Arab origin but from
6 disadvantaged subgroups within the Arab community, including
7 persons from Sudan, persons from Morocco, persons from Yemen,
8 persons from Mauritania and Jibuti. And with that, we have
9 to make sure that that's what the fundamental purpose of what
10 Title I is supposed to implement.

11 Now with that we want to make sure that we
12 emphasize that there is a large void of 50 percent income
13 disparity gap between Arab-Americans who are of Syrian or
14 Egyptian background versus Arab-Americans who are of Yemeni,
15 Palestinian background. And so with this we have to make
16 sure we understand within the ELL community that there are
17 disadvantaged groups within that subgroup itself that need
18 particular consideration and regulation from the Department
19 to focus on technical assistance, as well as guidance.

20 Our first recommendation is regarding intervention
21 and support. The Department has the authority and the
22 responsibility to regulate and intervene where schools or
23 school districts fail to remedy disparities and substantively
24 address achievement gaps. The Department must take proactive
25 measures and initiatives to make sure states are accurately

1 identifying schools where subgroups are underperforming. A
2 footnote in a report is unacceptable. And any other
3 arbitrary attempt to mask low performance must not be
4 tolerated.

5 When we talk about closing achievement gaps and
6 assessments, you want to make sure the Department publishes
7 best practices and guidance to guidelines on the
8 intersectionality of closing achievement gaps, meeting
9 college and career readiness standards and assessments of
10 English language learners. The Department must mandate that
11 schools and school districts appropriately balance content
12 mastery of core subjects while still developing English
13 proficiency, affirming that English language acquisition
14 alone is no longer sufficient.

15 If a EL student performs poorly on a content
16 assessment, educators and policymakers need to better
17 understand whether this due to insufficient proficiency to
18 demonstrate content knowledge or a lack of content knowledge
19 or the opportunity to learn such content knowledge, or
20 whether there is bias or errors in measurements regarding the
21 systematic interference and use of unnecessarily complex
22 words and assessments.

23 The Department should discourage in their
24 regulations any exemption for ELL accountability in the state
25 accountability systems for both math and English and make

1 clear that any exemption beyond a year is unacceptable and
2 should not be tolerated.

3 Lastly, I want to get into that the Department
4 should vigorously enforce the 95-percent participation rate
5 in assessments. This is vital to know whether and where
6 intervention is needed and support is necessary, especially
7 when it comes to educator equality and resource equality to
8 make sure that states invest and actually qualify translators
9 and interpreters.

10 Again, as well with our parents and our children's
11 parents mainly serving as translators for their parents in
12 these vital documents, you want to make sure there is
13 actually meaningful engagement and inputs of rights of
14 parents, so parents should have a substantial role in funding
15 priorities, as well as continued consultation throughout the
16 school year to ensure progress and how needs-based
17 assessments are being met and submissions of plans to the
18 LEAs. The Department should strongly encourage state and
19 school districts with significant Arab-speaking populations
20 that even if the students understand English, that all vital
21 education documents and student assessments are readily
22 accessible in Arabic. The Department must ensure that
23 educational documents are provided to parents in a language
24 they understand and that these parents are inconspicuously
25 notified of this right.

1 Thank you.

2 MS. WHALEN: Thank you.

3 MR. ROONEY: Thank you.

4 I believe the next speaker was due to be Erin
5 Prangley from the American Association of University Women,
6 but I do not believe she is here. I just want to check if
7 that is the case.

8 (No response.)

9 MR. ROONEY: Okay. So we will move on to the next,
10 which is Kim Musheno from the Consortium for Citizens with
11 Disabilities Education Task Force.

12 ***Kim Musheno***

13 ***Consortium for Citizens with Disabilities Education Task Force***

14 MS. MUSHENO: Hi. My name is Kim Musheno, Director
15 of the Public Policy at the Association of University Centers
16 on Disabilities and incoming chair of the Consortium for
17 Citizens with Disabilities, a coalition of over 115 national
18 organization representing all disabilities. We really
19 appreciate this opportunity.

20 This is an important time for the Department of
21 Education to be proactive in supporting states and school
22 districts in implementing this new law. AUCD and CCD
23 respectfully request the Department to pay special attention
24 to providing regulations and/or guidance in the following
25 areas.

1 Under accountability, meaningful inclusion of
2 students with disabilities in state accountability systems
3 continues to be a priority for us. The Department must
4 further clarify important details to ensure quick action by
5 schools and states when students with disabilities and other
6 minority groups are underperforming.

7 The Department must also reinforce that students
8 with disabilities are not separated from the general
9 population of students when it comes to accountability, as
10 has been proposed by some states. More specifically, the
11 Department should provide the states with guidelines as to
12 how they define terms such as consistent, underperformance,
13 substantial weight, and much greater as the terms relate to
14 the weight of indicators in states accountability systems and
15 how schools are differentiated as performing well or not.

16 The Department should also provide guidance
17 regarding technical requirements for additional indicators of
18 school quality or student success to ensure that these
19 indicators are meaningful and contribute to assessing the
20 effectiveness of schools and educating students with
21 disabilities. AUCD and CCD are in the process of developing
22 recommendations for the so-called fifth indicator for states
23 to use as an example and will be sharing our thinking with
24 you by the 21st.

25 Additionally, it is critical to provide guidance to

1 states on the methods by which a state identifies
2 consistently underperforming subgroups and measures progress
3 toward goals and establishes a timeline for action when
4 subgroups of students are not making progress. Also, the
5 minimum number of students often referred to as the N-size,
6 this number should be as small as possible, no more than 15,
7 to ensure the greatest number of schools and grade levels are
8 included in the state's accountability reporting.

9 Ensuring the 95-percent participate rate in the
10 annual measurement achievement of students, and when a state
11 uses a measure of student growth, such measures must include
12 all students. Individual or student subgroups should not be
13 excluded for any reason.

14 On the one-percent cap, AUCD and CCD are very
15 pleased that the law requires a statewide cap not to exceed
16 one percent on the total number of students in a state who
17 are assessed using the alternate assessments aligned to
18 alternate achievement standards. We urge the Department to
19 reinforce this requirement, as well as the criteria for
20 requesting secretarial waiver to exceed the cap.

21 Given the well-researched and documented high
22 incidence and detrimental consequences of the use of
23 restraints and seclusion with students with disabilities and
24 students from other minority groups, AUCD and CCD are
25 especially pleased with the new state and local plan

1 requirements regarding helping states to reduce the use of
2 aversive behavioral interventions. The Department should
3 clarify and strengthen the Congressional Conference Committee
4 report language specifying that this language includes the
5 use of restrains and seclusion. The Department should also
6 help states improve learning through reducing incidents of
7 bullying and harassment, as well as examining overuse of
8 discipline procedures.

9 Regarding teacher quality, AUCD and CCD urge the
10 Department to issue regulations and guidance that reinforce
11 the importance of ensuring students from disadvantaged
12 backgrounds are not disproportionately taught by ineffective,
13 inexperienced, and out-of-field educators. We urge that
14 inexperience be defined as three years of experience or less.
15 We urge the Department to promote the state consideration of
16 the distribution of beginning teachers who have not yet
17 completed their preparation before coming the teacher of
18 record and the distribution of teachers who are fully state
19 certified.

20 While LEA plans are required to address teacher
21 distribution based on students from low income and minority
22 backgrounds, AUCD and CCD believe that the Department must
23 take this opportunity to recognize that students with
24 disabilities also come from low income and minority
25 backgrounds and analyze the access of all students with

1 disabilities to well-prepared educators.

2 AUCD and CCD urge the Department to promote ways
3 and provide examples of how states include students with
4 disabilities, parents with disabilities, advocates and other
5 stakeholders as early as possible in each of the states'
6 processes of developing their state plans.

7 In closing, AUCD and CCD recognize there will be
8 many additional provisions of ESEA, including others within
9 Title I that will require the Department's strong voice and
10 regulatory presence to ensure students with disabilities are
11 meaningfully included. We will be active partners with you
12 as you address the implementation of all provisions of ESSA.

13 AUCD and the CCD Education Task Force are
14 developing thorough written comments that will be submitted.
15 And we pledge to continue to work with the Department to
16 include the views of people with disabilities, families,
17 educators, employers, experts, and advocates working to
18 ensure high expectations are held for all students with
19 disabilities.

20 Thank you.

21 MS. WHALEN: Thank you.

22 MR. ROONEY: Thank you.

23 Next is Jenny Collier from the RFK Juvenile Justice
24 Collaborative.

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Jenny Collier

RFK Juvenile Justice Collaborative

MS. COLLIER: Good afternoon. Thank you. My name is Jenny Collier again, and I am the Project Director of the Robert F. Kennedy Juvenile Justice Collaborative, which is a project of the Robert F. Kennedy Human Rights in D.C. and the Robert F. Kennedy Children's Action Corps, a direct service provider in Massachusetts. And it is a D.C.-based project focused exclusively on youth reentry policy issues for young people coming from the juvenile justice system.

Stakeholders nationwide collectively advocated for changes to ESEA, now ESSA, regarding access to education for young people involved in the juvenile justice system. It is an area of great concern, because each year tens of thousands of young people leave secure residential facilities, including juvenile justice facilities, jails, and prisons following adjudication. And approximately two thirds of those young people do not make it make to an appropriate education or a career in technical training program. So that is two out of three young people.

And so stakeholders are really demanding more focus on this area. So in 2013, the Collaborative in partnership with the Juvenile Law Center, who is here today, and several other organizations released policy recommendations on how to improve access to and quality of education and career

1 technical training for young people involved in the justice
2 system and upon their reentry to the community. Those regs
3 were based on eight listening sessions nationwide and were
4 signed by 128 organization, including the National Education
5 Association, the Leadership Conference on Civil and Human
6 Rights, and the American Probation and Parole Association, so
7 really a wide range group of organizations.

8 And these recommendations helped to inform the
9 requirements that we see now in the ESSA. And we are really
10 thrilled to see those reflected in some of these changes.
11 But we think that the devil is in the details, and so
12 implementation is critical.

13 So the bill provides, as I said, many opportunities
14 to help ensure access to education for juvenile justice-
15 involved youth by emphasizing, in particular, smooth
16 transitions from community school districts to actual
17 correctional facilities and then back to the community.
18 State, in particular, who are receiving Title I, Part D,
19 funds must ensure increased coordination between correctional
20 facilities and school districts and protections in the new
21 law to ensure this will include a wide range of things:
22 Educational assessments for young people when they enter
23 juvenile justice facilities, when practicable; records
24 transfers so that records transfer with young people to the
25 facility; reentry planning to ensure that a youth's education

1 is not interrupted; timely and appropriate reenrollment so
2 that we know that they are going to education programs or
3 career in technical training programs that best meet their
4 needs; credit transfers so that credits earned while in
5 custody are recognized by schools in the community; and
6 emphasis on high school diplomas, so that state agencies and
7 correctional facilities must really assist youth in attaining
8 these traditional high school diplomas; and also a new
9 emphasis on dual status youth so young people, both in the
10 foster care child welfare and juvenile justice systems. And
11 so for the first time states must keep records of youth who
12 are involved in both of these systems and in its educational
13 institutions and actually allow for the use of funds to
14 provide targeted services for those dual status youth, which
15 is a very important change.

16 However, we have some implementation concerns that
17 we will be documenting and submitting for official comment in
18 writing. But I also want to raise just a few of them here
19 that we have heard from community members with whom we are
20 speaking on a regular basis.

21 First, we want to ensure that students are not put
22 into alternative schools unnecessarily under a blanket
23 argument that such school is an appropriate reentry program
24 that best meets the needs of the student. This is something
25 that jurisdictions have done for a long time in many places.

1 And this practice creates what we call a dumping ground for
2 many young people and does not really increase their
3 opportunity for success, but in fact may increase their
4 opportunity for dropout.

5 We want to also ensure that state educational
6 agencies emphasize credit-bearing secondary and post-
7 secondary course work and just career and technical training
8 or education. That's important. It should be both. We want
9 to ensure opportunities for students both in and returning
10 from the juvenile justice system to participate in credit-
11 bearing course work. Currently the law seems left to
12 interpretation on this matter. And we think that it is
13 important that youth in custody are provided with these
14 opportunities, as well, upon their reentry. It seems
15 inconsistent to make it one versus the other.

16 DOEd, we really encourage you to review and align
17 your December 2014 guidance on correctional and reentry
18 education for youth in the juvenile justice system that you
19 co-released with the Department of Education and review and
20 align it with ESSA and then think about the dissemination,
21 education, and enticement and enforcement activities needed
22 to really follow up on what has been done already, to make
23 sure that the memos of law, as well as best practices that
24 were very detailed and documented in that guidance, are
25 actually implemented at the state and local level nationwide.

1 MS. BURDICK: Good afternoon. That works out well
2 to follow Jenny. I am so grateful to be here. Thank you for
3 this opportunity. I'm Kate Burdick. I am a staff attorney
4 at Juvenile Law Center. And I am here to underscore the
5 critical importance of effective implementation of the ESSA
6 provisions relating to youth in the foster care system and
7 juvenile justice system.

8 Juvenile Law Center is the oldest, multi-issue,
9 nonprofit law firm for children in the country. We just
10 celebrated our fortieth anniversary. We just the law to
11 ensure that youth, particularly those in the foster care and
12 juvenile justice systems, receive fair and developmentally
13 appropriate treatment. And ensuring access to education and
14 other opportunities is a central part of our mission. We are
15 partners in the Legal Center for Foster Care and Education
16 and now in a new legal center focused on education and
17 juvenile justice. For many years, we have advocated with our
18 partners for better educational opportunities for the
19 hundreds of thousands of youth in foster care or juvenile
20 justice across this country.

21 To pick up on comments from my colleagues earlier,
22 spoken earlier today, and that you also hear this afternoon,
23 we are thrilled that ESSA includes provisions to help
24 children in foster care and the juvenile justice system.
25 Also, I will say that although we don't work directly on

1 issues of homelessness, youth in the foster care and juvenile
2 justice systems cycle in and out of homelessness on a regular
3 basis. And we are grateful for the attention to that issue
4 in the ESSA, as well.

5 These are kids who are essentially forgotten. The
6 systems don't provide the safety and protections that they
7 need. But they are still just kids and all kids want to
8 learn. Education can light a path to future success. School
9 is a place that provides consistency when their lives are
10 otherwise chaotic and builds the skills that allow them to
11 overcome poverty and other adversity.

12 ESSA makes significant progress to help these
13 youth. When youth are removed from their homes due to
14 juvenile justice involvement, ESSA recognizes the need for
15 high quality education, not just when they are in placement
16 but upon return to the community. When youth are removed
17 from their homes due to abuse, abandonment, or neglect, and
18 put in a foster home or other placement, ESSA recognizes the
19 critical importance of allowing them to remain in the same
20 school or make a smooth move to a new school, if that's what
21 best for them, including as they move from one foster home to
22 another. ESSA also recognizes the need to track graduation
23 rates and achievement of students in care so we can measure
24 progress over time and put effective interventions into
25 place.

1 The Department of Education must act swiftly and
2 comprehensively to ensure meaningful implementation of these
3 new provisions. I have three specific suggestions. And my
4 colleagues and I would be happy to be a resource to the
5 Department on this issue moving forward.

6 First, ESSA leaves substantial gray areas that must
7 be clarified by regulation and program guidance to avoid
8 confusion on the ground. We will be working with our
9 partners to provide written comments that get more specific
10 on this, but by way of example, we need clarification that
11 the child welfare agency is responsible for making the
12 decision of which school is in the child's best interest of a
13 child in foster care to continue attending, clarification on
14 the process for making decisions about which school or
15 reentry program is best for students returning from
16 correctional facilities so kids don't continue to be shunted
17 to inferior alternative schools upon reentry, guidance on how
18 child welfare and education can successfully work together to
19 share student data for the reporting provisions while still
20 protecting confidentiality and complying with FERPA.

21 Second, there is much work to be done beyond
22 regulations and guidance, including highlighting models from
23 the jurisdictions that were already effectively supporting
24 court-involved youth before at ESSA, providing technical
25 assistance on implementation to specific jurisdictions and

1 discretionary grants so districts have the resources they
2 need for implementation, devoting needed resources to
3 continue to help jurisdictions implement the December 2016,
4 sorry, December 2014 correctional education guidance package.

5 Third, although ESSA is an education law, the
6 Department of Education must continue to collaborate with HHS
7 and DOJ and other federal partners as it develops guidance
8 around these provisions. Not only must these agencies
9 communicate to align the guidance, and especially so as to
10 not contradict the guidance HHS put out after the passage of
11 the school stability provisions in the Federal Fostering
12 Connections Act of 2008, but these federal agencies should
13 also collaborate to serve as role models for effective cross-
14 systems collaboration that ESSA now requires at the state and
15 local levels, the kind of collaboration that is critical for
16 these children that are served by multiple systems.

17 In particular, DOEd should swiftly hire a staff
18 person or team to work on issues affecting vulnerable youth
19 in the foster care and juvenile justice systems and who are
20 experiencing homelessness. We hope that HHS, DOJ, and DOL
21 would do the same and that those individuals would work very
22 closely together to make progress on this issue.

23 In closing, I again urge you not to forget about
24 the youth in the foster care and juvenile justice systems
25 when rolling out the many regulations and other

1 implementation efforts ESSA requires. They are some of our
2 most educationally at risk students, and their needs must be
3 prioritized. They are resilient young people who want to
4 learn, and with the right supports they can excel.

5 Thank you.

6 MS. ROONEY: Thank you.

7 Before we go on to the next person who signed up, I
8 want to just let you all know that we are getting close to
9 the end of the people who signed up for this session. And it
10 looks like we will have a little bit of time left over. So
11 if anyone is interested in signing up to speak who did not,
12 let us know ahead of time. I ask again that you go to the
13 registration desk and please sign in there, so we can go
14 through everyone on a first-come/first-serve basis.

15 And with that, I will ask Kelly Vaillancourt
16 Strobach from the National Association of School
17 Psychologists.

18 ***Kelly Vaillancourt Strobach***

19 ***National Association of School Psychologists***

20 MS. STROBACH: Good afternoon. I am Kelly
21 Vaillancourt Strobach. I am the Director of Government
22 Relations from the National Association of School
23 Psychologists. And I thank you guys for the opportunity to
24 provide feedback regarding the Every Student Succeeds Act.
25 We will be providing more detailed recommendations in our

1 written comments that we will submit through the online
2 process.

3 NASP is hopeful that ESSA will result in improved
4 opportunity and outcomes for all students. This law sets the
5 stage to ensure that all students have access to
6 comprehensive and rigorous curriculum, high quality
7 instruction, and comprehensive learning supports that are
8 essential to successful learning. In particular, we are
9 really pleased that ESSA replaces the current overly punitive
10 and narrow focus on students' performance on high stakes
11 testing with a more comprehensive accountability system that
12 values school climate and safety, as well as other indicators
13 of school quality, that ESSA requires evidenced-based
14 interventions for low performing schools and comprehensive
15 learning supports for those students who are most at risk of
16 school failure, and that ESSA recognizes that comprehensive
17 school-based mental health services, including prevention and
18 early intervention is an evidenced-based, whole school
19 improvement and targeted intervention strategy.

20 ESSA also authorizes significant funding to allow
21 states and districts to implement and scale up initiatives,
22 including mental health supports and other services to meet
23 the academic, social, emotional, and mental and behavioral
24 health needs of our students.

25 School psychologists have specific expertise in

1 these areas, and we look forward to working with the
2 Department, as well as states, districts, and individual
3 schools to help them implement and scale up these
4 comprehensive learning systems for all students.

5 To ensure that the intent of this new law is
6 fulfilled as it is implemented, the Department of Education
7 can and should issue regulations, guidance, and technical
8 assistance. Specifically, we ask the Department address
9 specific provisions related to the accountability systems.

10 First regarding the indicators of school quality,
11 NASP has long advocated for the indicators of school quality,
12 such as school climate and safety, when determining school
13 success. Many school districts are currently collecting and
14 using this data to drive school improvement efforts, but
15 using this data for accountability purposes is new territory
16 for the majority of districts in our country.

17 We ask the Department provide clarification to
18 ensure that the indicators of school quality are meaningful,
19 are related to improved achievement, and can drive effective
20 improvement efforts. The validity and reliability of various
21 measurements of school quality vary. Measures should be
22 efficient, useable, psychometrically sound, and provide data
23 to inform meaningful school decision-making. However, not
24 all measurements that meet these criteria produce
25 disaggregated data, as required by ESSA, that are appropriate

1 to be included in an accountability system.

2 The Department can and should support states'
3 efforts to select indicators of school quality and
4 appropriate ways to measure these indicators that drive
5 school improvement efforts and reliably identify critical
6 areas of improvement.

7 Secondly, we ask clarity regarding the term much
8 greater. ESSA requires that academic factors carry a much
9 greater weight than indicators of school quality. What
10 constitutes much greater and how will we appropriate balance
11 be assured to ensure that we don't return to the era of
12 basing most of our decisions on single test scores? We do
13 not believe that the law prevents the Department from issuing
14 regulations or guidance related to this issue.

15 We also ask for clarification regarding the
16 identification of schools with subgroups of students
17 considered consistently underperforming. States and
18 districts and ultimately our students would benefit from
19 guidance regarding appropriate criteria to determine that
20 subgroups of students or an entire school is considered
21 consistently underperforming.

22 It is important that the Department allow
23 flexibility for states and districts to design new and
24 innovative systems, but it is imperative that appropriate
25 parameters are set to ensure that accountability systems and

1 school improvement plans address the needs of all students,
2 especially those who are typically left behind, including
3 students with disabilities, students in poverty, and racial
4 and ethnic minorities.

5 Lastly, as the co-chair of the National Alliance of
6 Specialized Instructional Support Personnel, I am pleased
7 that ESSA contains numerous explicit references regarding the
8 importance of specialized instructional support personnel and
9 services. SISP include a full complement of professionals
10 that include, but are not limited, to school psychologists,
11 speech language pathologists, audiologists, school nurses,
12 school counselors, occupational therapists and creative art
13 therapists. These professionals work with all students. And
14 in addition to the supports they provide for individual
15 students and groups of students struggling with barriers to
16 learning, they consult with administrators, teachers, and
17 families, and are integral to implementing school-wide
18 initiatives, such as multi-tiered systems of support,
19 positive behavior interventions and supports, social ---
20 learning programs, college and career planning, and violence
21 and bullying prevention. We are pleased that ESSA recognizes
22 the important contributions of these professionals in our
23 schools and communities.

24 Although the term specialized instructional support
25 personnel has been included in previously introduced

1 legislation and has been a part of the education jargon for
2 some time, ESSA marks the first time that this term has been
3 codified into law. Therefore, we urge the Department to
4 issue guidance and technical assistance and materials
5 regarding effective utilization of specialized instructional
6 support personnel and services.

7 ESSA requires consultation and collaboration with
8 these professionals in the development and implementation of
9 local and state Title I plans, as well as school improvement
10 efforts. Additionally, Titles II and IV contain several
11 provisions regarding these professionals, as well.
12 Development of this guidance has been a long-standing, multi-
13 year request from NASP. And given the focus on SISP and SISP
14 services, we believe this guidance is now necessary to help
15 states and districts transition from NCLB to ESSA.

16 Thank you for the opportunity to provide comments.
17 And we will contain -- our written comments will contain a
18 lot more detail about what has been discussed.

19 MS. WHALEN: Thank you.

20 MR. ROONEY: Thank you.

21 Okay. The last name on our list for this session
22 is Laura Montas from the D.C. Office of the State
23 Superintendent of Education. I am not sure she is here.

24 (No response.)

25 MR. ROONEY: Go back and look to see if Kathy Beery

1 has come into the room since we called her name earlier.

2 (No response.)

3 MR. ROONEY: Okay. At this point I don't think we
4 have anyone who has asked to speak, who didn't sign up ahead
5 of time. So we will do a last call to see if anyone who has
6 not registered to speak would like to speak for a few
7 minutes, for five minutes.

8 (No response)

9 MS. WHALEN: So seeing none, I just want to do a
10 few reminders. One just as a quick reminder that the
11 transcript from today's session will be posted on our website
12 in a few days.

13 The second thing I just wanted to let people know
14 is to address the concern of one of the previous speakers,
15 this dias actually does have a ramp for wheelchair
16 accessibility. It is over here to our right just in case
17 there are any questions or concerns. We just wanted to make
18 sure the record was straight on that issue.

19 And finally, I just wanted to remind people that we
20 are coming together at 2:30 Eastern time. So we will be
21 taking a quick break. Excuse me, 2:45 Eastern time. I
22 apologize. We will be taking a break until then. At 2:45 we
23 will have another set of speakers registered to speak. If
24 anybody in this room again has not registered to speak and
25 would like to, we will be accepting additional walk-ins.

1 as described in the Federal Register Notice published on
2 December 22, 2015, as well as written comments via postal
3 mail, commercial delivery, or hand delivery. We strongly
4 encourage everyone participating in today's meeting to also
5 submit comments through our comment process. You may submit
6 comments on or before January 21, 2016. Again, the deadline
7 for us receiving comments is January 21, 2016.

8 First let me introduce you to a few of my
9 colleagues up on the panel. To my right is Patrick Rooney,
10 Acting Director of the Office of State Support. And to my
11 left is Kay Ripling, a program attorney in the General
12 Counsel's Office.

13 We are also holding this and one other regional
14 meeting to solicit advice and recommendations from
15 stakeholders. The second meeting will be held on January 19
16 at the University of California, Los Angeles. At these
17 meetings we request your advice and recommendations regarding
18 topics for which regulations or non-regulatory guidance may
19 be necessary or helpful, as states and districts transition
20 to the new law. Programs under Title I of the law are
21 designed to help disadvantaged children meet high academic
22 standards. Comments provided at these meetings should be
23 focused on these issues.

24 As a reminder, the purpose of these hearings and
25 comment period is for us to listen and learn. Therefore, we

1 will not be at this time providing individual or general
2 responses or reflections to the testimony made today. We
3 will use this thoughtful feedback to inform our work as we
4 implement the new law moving forward.

5 Let me turn it over to Patrick to remind people
6 about the logistics for public commenting.

7 **Logistics and Plan for the Day**

8 ***by Patrick Rooney***

9 MR. ROONEY: Hi again, everyone. And I appreciate
10 that a lot of you have been here all day, so this is the
11 third time hearing this spiel. But I think it is important
12 to go through, so I will just to remind everyone. I will go
13 through logistics. If people have questions, there are
14 people right outside the door on my right. That is the
15 registration table that they can answer any additional
16 questions you have once we get started.

17 You will see that we have -- from the agenda that
18 got handed out, there are three two-hour blocks. We are now
19 in the third block. Everyone who signed up ahead of time has
20 been assigned a spot in one of the blocks. So you can use
21 that to gauge when you are going to go in this session. And
22 so please take that into account when thinking about when you
23 are going to be called. But know that this session will
24 change a little bit depending on if people aren't here. So
25 you may get called sooner than you show up on this sheet. So

1 please be flexible and patient with us.

2 If you did not register and you would like to speak
3 before the end of the day today, I do actually foresee that
4 we will probably have a little bit of time to take walk-ins
5 on a first-come/first-serve basis. So please, if you are not
6 on the agenda but would like to speak and you want your time,
7 please go to the registration table and sign in so we can
8 make sure we have everyone on the list that we can call.

9 Each speaker will get five minutes. And we ask
10 that when your name is called, that you come up here to the
11 podium. And as you start, your time will begin. There is a
12 clock that will show you how much time you have left. It
13 starts green. When you get down to a minute left, it turns
14 yellow. And then as your time runs out, it turns red. We do
15 ask that you be respectful of your time limit, so that way we
16 can make sure everyone gets a chance to speak. And we will
17 ask you to close it up after your five minutes is over.

18 If you have any written copies or comments that you
19 would like to provide to us today, you can hand those in at
20 the registration table outside. And we are happy to take
21 those from you at that time.

22 And as a reminder, the event is being live
23 streamed. So any member of the public may watch and listen
24 to your remarks. We will be making information about this
25 meeting publicly available on our website, including the

1 parts of the Education Department over the last several years
2 through the school discipline guidance process, supportive
3 school discipline initiative, and last summer participated in
4 the Rethink Discipline Summit at the White House. So I have
5 had a lot of communication with the Department of Education.

6 In Pennsylvania, our work is statewide. We address
7 both school-administered discipline and the use and misuse of
8 law enforcement in schools, so both aspects of that in all
9 500 districts in Pennsylvania, believe it or not. Our
10 current work is both in two districts working to revise
11 policing policies and in Philadelphia, where I serve on an
12 advisory committee for a Department of Ed-funded project
13 intended to reduce disproportionality and discipline.

14 The Every Student Succeeds Act poses some
15 challenges for the Department and for state education
16 agencies, in part largely because there is sort of a partial
17 shifting, reassignment, restructuring of accountability
18 mechanisms generally in the direction of placing more in the
19 state. But I want to emphasize that much of the core work
20 that the Department has already been doing under the
21 Supportive Schools Discipline Initiative in the areas of
22 school discipline, et cetera, remain intact, that the
23 responsibilities and the powers to enforce and monitor civil
24 rights laws is intact. Technical assistance, guidance,
25 issuing guidances and some small bits of funding, those

1 systems are intact, and that work should continue.

2 In addition, there is also the biannual reporting
3 requirement for data, known as the Civil Rights Data
4 Collection. Those things should continue and step up and
5 continue to be robust, even though some responsibilities are
6 now in the hands of state administrators. So the Department
7 should not shy away from enforcement and using the tools in
8 its toolbox.

9 And indeed, because responsibilities have now been
10 created at the Department, excuse me, at the state level, I
11 think the Department has some new ways of working. For
12 example, encouraging state agencies to take more
13 responsibility for implementing the school discipline
14 guidance, which I don't think has happened quite enough.

15 So I want to address briefly in the time left sort
16 of two portions of the Every Student Succeeds Act and make
17 some recommendations for the Department.

18 The Every Student Succeeds Act permits states to
19 adopt school climate and safety as an indicator of school
20 quality. This is an important thing, and we hope that many
21 states will do that. I hope that all states will do that.
22 But there is a right way and there is a wrong way to do that.
23 Many of us suffered through the sort of whole persistently
24 dangerous school labeling, which was done in a decentralized
25 way, which resulted in wildly inaccurate and inconsistent

1 measures of the climate of schools and of school districts.

2 So our recommendations here are that the Department
3 share best practices for data collection and monitoring when
4 it comes to school climate, because we know which kinds of
5 data are important to monitoring and how to do that just
6 based on past practice. And that the best practices also be
7 shared with how to use data to identify problems and address
8 them constructively. And once again, the Department has a
9 lot of experience with that, both in the monitoring part, the
10 enforcement part, working with districts, et cetera. So
11 there is a lot that can be shared with state education
12 agencies.

13 The Department should also work with state agencies
14 to ensure that data is collected in a way that is consistent.
15 One of the things that we found is what school districts
16 report to the Federal Government and the state government is
17 wildly inconsistent. And I can tell you that when it comes
18 to expulsion statistics and things, expulsion data, et
19 cetera.

20 Our concerns grow in part out of what we have seen
21 in Pennsylvania where, unlike a lot of other states, there
22 has been a requirement that districts turn in school
23 discipline data since 1997. But the purpose of the
24 requirement was to make sure that kids were being punished
25 for certain acts of misconduct and not to look overall at how

1 discipline was being administered. So it was only eight
2 years into the data process that you actually had overall
3 figures for suspension rates, which indeed show that
4 suspensions are mostly used not for serious acts or reported
5 acts of misconduct. So it is very important that the
6 Department use its experience in this area to help states
7 understand these issues and how they can be monitored
8 effectively and challenged.

9 I will stop because my time has run out. But I
10 guess the final thing I would say is that if the Department
11 does this, it might even make the enforcement a little
12 easier. If the states can begin to take more responsibility
13 for understanding and implementing the school discipline
14 guidance, it might make your load a little bit easier.

15 MS. WHALEN: Thank you.

16 MR. ROONEY: Thank you.

17 Next is Maura McInerney from the Education Law
18 Center.

19 ***Maura McInerney***

20 ***Education Law Center***

21 MS. McINERNEY: Thank you very much for this
22 opportunity to speak today, to address the Every Student
23 Succeeds Act and the opportunities that it creates for all of
24 us to improve educational outcomes for our most vulnerable
25 children. My name is Maura McInerney, and I am senior

1 attorney at the Education Law Center in Pennsylvania. We are
2 statewide, nonprofit public interest law firm that advocates
3 on behalf of educationally at risk children. That includes
4 children with disabilities, those in foster care and in
5 juvenile justice system, children who are English language
6 learners, and children living in poverty.

7 ELC will submit comments on January 21, but today I
8 would like to focus my comments on three areas: One,
9 improving educational outcomes for children in the foster
10 care system; second, improving and expanding educational
11 opportunities for children in the juvenile justice system;
12 and finally, addressing school climate.

13 The Education Law Center advocates every day on
14 behalf of children in the foster care system. But we are
15 also a member of the Legal Center for Foster Care in
16 Education, which is a nationally based organization that
17 advocates to improve educational outcomes for these students.
18 We know from our experience in individual cases and systemic
19 work, as well as from research studies, that ensuring that
20 children can stay in the same school when they change foster
21 care placement dramatically improves their academic outcomes,
22 improves graduation rates, and is in their best interest.

23 We are very thrilled that ESSA has now ensured
24 school stability for these very vulnerable children and also
25 supports immediate enrollment and the prompt transfer of

1 records for those who change schools. However, to make
2 school stability a reality for these children, we need the
3 Department to undertake significant guidance and to issue
4 regulations on the following topics.

5 First, through regulations to clarify definitions
6 of school of origin and child in foster care, to expressly
7 state in regulations that LEAs must provide school stability
8 once a best interest determination is made by a court or a
9 child welfare agency with the input of LEAs, to address the
10 discretionary use of Title I funding to support
11 transportation, direct state education agencies to issue
12 guidance regarding transportation, tuition reimbursement, and
13 the continuing implementation of preexisting laws that
14 support school stability for children in foster care and
15 aligned now with federal mandates, and also to adopt -- to
16 have LEAs publish and adopt policies on prompt transfer of
17 records, immediate enrollment, and collaborative
18 transportation with child welfare agencies, and finally to
19 support education and child welfare agencies working in a
20 collaborative manner to ensure not only that transportation
21 is provided but also that the data collection requirements of
22 the law are fully implemented.

23 With regard to children in juvenile justice system,
24 we know again from our work on the ground, as well as our
25 national work, that it is so critical that these students do

1 not lose ground, which they so often do when placed in a
2 juvenile justice facility that provides an inadequate
3 education and that they are denied equal access to a quality
4 education upon their return to school.

5 We applaud ESSA for strengthening reentry
6 protections for these very vulnerable students. But to make
7 this a reality and makes these goals effective, we recommend
8 the following: Clarify what entity is responsible for making
9 the best interest determination upon a student's reentry,
10 define the components of education planning, mechanisms for
11 credit transfer, and timely reenrollment in appropriate
12 educational placement for youth transitioning from
13 correctional facilities to local education agencies and
14 programs.

15 And finally, we ask the Department to direct states
16 to issue guidance to ensure that course work provided in a
17 juvenile justice facility is fully aligned with challenging
18 state academic standards and that students earn real credits
19 that they can then transfer back to school. We also ask the
20 Department to consider offering discretionary grants so
21 districts have the resources that they need to implement
22 these protections.

23 And finally, turning to school climate, we are
24 pleased that ESSA recognizes school climate as one of the
25 indicators states can choose to measure school quality and

1 success, because it is in fact a very key indicator. We know
2 from our experience that students who are pushed out due to
3 overly punitive disciplinary practices, including suspensions
4 and expulsions or being placed in inferior educational
5 programs, are far more likely to drop out of school and far
6 more likely to be retained in grade, and that it impacts
7 their entire life outcome.

8 In addition, we know that students who have been
9 pushed out or counseled out have been subject to that
10 sometimes due to poor test scores. We have to stop
11 incentivizing pushing children out and support schools to
12 retain these students in our schools and support them to
13 learn. To that end, we urge the following: First, to ensure
14 that LEAs needs assessment specifically addresses school
15 climate issues in their school. Secondly, we urge LEAs to
16 report school discipline data in a disaggregated by student
17 group to ensure that we are not disproportionately pushing
18 out children with disabilities and children of color, et
19 cetera, and English language learners.

20 We ask that for states that include school climate
21 as one of the optional indicators, that you identify
22 appropriate metrics, you clarify that state's plan to improve
23 school climate must be sufficiently detailed, promote
24 positive and inclusive school climates, and proactively
25 respond to the school discipline disparities that are shown

1 Director of WIDA, an English language learner consortium of
2 38 state education agencies located the University of
3 Wisconsin Madison. I am speaking today in my capacity as
4 WIDA director and ELL researcher, not on behalf of the states
5 we serve.

6 I will begin by highlighting positive provisions
7 with suggestions for strengthening the education of ELLs
8 through the upcoming guidance. I endorse the Every Student
9 Succeeds Act inclusion of language proficiency data alongside
10 academic achievement data as a more appropriate way to
11 measure English language learner growth and achievement and
12 urge the Department to highlight through guidance the
13 critical role of academic language development is assuring
14 the long-term success of this growing population of students.

15 Consistent with strong research findings, I would
16 urge the Department to provide guidance that encourages
17 schools to assess student progress in all languages of
18 instruction so that schools that offer services in multiple
19 languages can demonstrate meeting the dual goals of
20 bilingualism and academic development.

21 I endorse ESSA's requirement for challenging
22 standards in core domains, in English and for English
23 language proficiency. Additionally, I urge the Department to
24 support the use of language development standards in
25 additional languages to guide English language learners'

1 instruction and assessment when the partner language is the
2 medium of instruction. As a result, we can more effectively
3 educate ELLs so that they are college and career ready and
4 our Nation is prepared for the global challenges and
5 opportunities of this century.

6 Furthermore, developmentally appropriate language
7 development standards for early childhood in English and the
8 languages learners speak at home are essential as language
9 development in the early years is fluid, dynamic, and
10 anchored within families and communities. Research
11 demonstrates that support for the primary languages and
12 cultures of young dual language learners is essential to
13 long-term success in English medium U.S. schools. These
14 developmentally and linguistically appropriate language
15 standard should be used in conjunction with states' early
16 learning standard and early learning frameworks.

17 Now for troubling provisions, as I see it. I am
18 concerned that there is no accountability for language
19 development or attainment for ELLs from graduates K through
20 2, which account for over 40 percent of ELLs throughout the
21 Nation. I urge the Department to issue guidance that
22 stresses the importance of quality programs in the early
23 grades that promote academic language development and
24 culturally and linguistically relevant pedagogy, thus laying
25 a strong foundation for academic success.

1 going on in schools.

2 So ESSA provides the opportunity to reimagine
3 schools, to recreate a love of learning and infuse that into
4 the opportunities student need to be prepared for life,
5 college, and career. The law is about helping students. It
6 has the potential to be the reset to ensure that every public
7 school is a place that parents want to send their kids, where
8 students are engaged, and where educators want to teach,
9 where the curriculum is rich and where there is a joy of
10 teaching and learning. Let's not squander the opportunity.

11 As I said in the letter to Acting Secretary King
12 this past Friday regarding opt-out and testing participation
13 requirements, the overwhelmingly bipartisan passage of ESSA
14 is a signal that the page must be turned on the
15 Administration's policies, yes, and on the No Child Left
16 Behind policies, that created a culture of over testing and
17 punishment. Let's move to support and improve and make that
18 our North Star.

19 Educators are closely watching what is happening
20 with ESSA. Frankly, shortly after the law passed in
21 December, the AFT held a nationwide conference call for our
22 members. And although it was right before the holidays at
23 the end of a workday, we had over 172,000 educators who
24 joined that call. There is great hope that ESSA will turn
25 the page on the failed No Child Left Behind policies.

1 But after the call, we conducted a follow-up poll.
2 And we asked: What is your biggest fear about the new law?
3 We asked some positive things, as well. And the number one
4 response was that nothing would change, that schools would
5 not get the adequate resources and supports and would
6 continue business as usual.

7 And the number two response was that the testing
8 fixation would continue. These two responses totaling 70
9 percent of all responses showed that we have a long road to
10 regain trust of America's educators. But the poll also found
11 that teachers want the latitude and the supports to teach.
12 Educators want what they have always wanted, to do their best
13 and to be giving the supports to do their best.

14 It is a false choice to pit accountability against
15 support of teaching and learning. We can do both. I will
16 give you two quick examples. Project-based learning provides
17 supports and holds schools accountable for learning and
18 enables time in the curriculum for music and the arts.
19 Attention to climate will help enormously keeping kids in
20 school, as some of the speakers have already said.

21 So two or three more quick things. Assessments
22 should be used to help improve schools and inform
23 instruction, not arbitrarily measuring them. School
24 accountability should be based on a number of reasonable
25 factors that align with the needs of students. Teacher

1 evaluation should be used to grow and strengthen the
2 profession, not sort and punish. And there needs to be more
3 time for teaching and learning in schools.

4 Finally, I encourage the U.S. Department of
5 Education to follow the frame of the members of Congress who
6 overwhelmingly passed ESSA and ensure that any guidance and
7 regulations are workable in America's classrooms and reflect
8 the voice of educators and parents and those who are closest
9 to kids. Do we think that everything that states will do
10 will be perfect? Of course not. But the intent of the law
11 is clear. We owe it to states to let them try to do what is
12 their best for their schools and communities. Many states, I
13 hope, will learn from the failure of No Child Left Behind and
14 give teachers the latitude and the resources to deeply engage
15 students and to focus on the whole child.

16 Any regulations or any regulating around
17 interventions -- and this will be the last point I will
18 make -- should allow for truly supportive interventions, such
19 as community schools. One of the exciting aspects of the new
20 law is that schools identified as in need of support and
21 improvement will have resource equity plans and that states
22 and districts must assist with these plans. Your enforcement
23 of this requirement that states and districts be held
24 responsible for resource equity in schools could be one of
25 the Department's most helpful acts in meeting the original

1 purpose of the law.

2 So at the end of the day we need to give people the
3 room to breathe, to have robust accountability systems, so
4 that we can really align measurement with what kids need to
5 know and be able to do, so they will be prepared for their
6 lives, so that they can not only dream their dreams but
7 achieve them.

8 Thank you very much.

9 MS. WHALEN: Thank you.

10 MR. ROONEY: Thank you.

11 Next we will hear from Drew Franklin. Is
12 Mr. Franklin here?

13 (No response.)

14 MR. ROONEY: Okay. The next is Denise Marshall
15 from the Council of Parent Attorneys and Advocates.

16 *Denise Marshall*

17 *Council of Parent Attorneys and Advocates*

18 MS. MARSHALL: Where is the little indicator?

19

20 MR. ROONEY: It is right there in front of you.
21 Look straight down.

22 MS. MARSHALL: Oh, okay. Great,

23 Thank you for this opportunity to speak today. I
24 am Denise Marshall, Executive Director of the Council of
25 Parent Attorneys and Advocates. COPAA is a national

1 nonprofit who works to protect the civil and legal rights of
2 students with disabilities and their families. And we work
3 to secure excellence in education on behalf of the 6.4
4 million children with disabilities in our Nation's public
5 schools.

6 COPAA has worked alongside of parents and their
7 advocates to ensure that every student counts. We have
8 worked long and hard for that, and we appreciate the fact
9 that ESSA continues the accountability and continues to take
10 steps to make sure that students are learning.

11 As you know, as a result of this and of the
12 provisions of the ESSA and of idea, students with
13 disabilities are mastering grade-level work, graduating high
14 school with a regular diploma. While there is still a long
15 way to go, the expectations and outcomes have never been
16 higher. And we really appreciate ESSA's continued focus on
17 that.

18 Students who are eligible for special education are
19 general education students first and with the right
20 resources, services, and supports can learn to read and can
21 learn to master math and learn to master a lot of different
22 kinds of subjects, but they have remain in school to be able
23 to do that. So I want to echo the comments of our friends in
24 the Dignity in Schools Campaign and the Education Law Center
25 to say that we have got to pay attention to the school

1 climate issue. We have got to make sure that the data that's
2 being reported is accurate and that there is action taken
3 about that data.

4 COPAA's overarching recommendation today is to urge
5 the Department to use every inch of its legal authority to
6 continue to regulate and provide guardrails. We also
7 understand that there has been too much testing. We
8 certainly do not want to continue that. The only purpose for
9 testing is to find out if students are learning. And if they
10 are not, it is important to do something about that. So we
11 want to make sure towards that end that the basis of a good
12 accountability system is a reliable N-size. States have to
13 assure the subgroup data used as the basis of their
14 accountability determinations and reporting truly reflects
15 the students attending school while still protecting their
16 privacy.

17 Also, Title I is about closing achieving gaps.
18 Again, there is no purpose to test if we are not going to do
19 something about it and quickly, while the student is still in
20 the grades or at least in the level of school that they are
21 in. We want to make sure that regulations define new terms,
22 outline realistic and meaningful timing and implementation
23 expectations with those safeguards to provide all the
24 necessary parameters to assure that students who are
25 underperforming receive the targeted intervention they need.

1 For assessment, you must update the one-percent
2 regulation on the alternate assessment to make sure that the
3 statute caps the actual number of students with the most
4 significant cognitive disabilities by subject at one percent
5 of those students.

6 Also clarify that districts have the flexibility to
7 exceed that cap, if necessary, with state approval and create
8 strict federal parameters under which a state may apply for a
9 waiver of that cap.

10 We have worked very hard to ensure that that school
11 climate indicator is in there for the reasons I have said
12 before. And we also now are very thrilled that there is the
13 expectation that aversive interventions, which we know
14 includes restraints and seclusion, will no longer be used in
15 schools or that schools will at least have to minimize their
16 use. We hear every day of students, or as soon as yesterday,
17 who were dragged through the halls, having their septums
18 deviated trying to be put into seclusion rooms. And the
19 Department of Ed has to elevate its principles and make them
20 guidance and take action to make this stop.

21 Lastly, I want to address the Pay for Success
22 programs. This is something we are very concerned about.
23 Regulations must specify that states are prohibited from
24 implementing these pay for success programs in a way that
25 conflicts with rights and with the current statutes. We

1 Left Behind came out, parents started telling me later on,
2 maybe two years, three years, four years, even as late as
3 these years now that children are being left behind. We
4 don't want this bill to be one, though, saying that every
5 child succeeds at, and most of our children don't.

6 We also know that Title I really applies to
7 students who are in the wealthy communities. So when we have
8 the conversation and talk about what is needed, then we have
9 to look at those other children. Many times in the work that
10 I do in my community as a community organizer working with
11 parents and students, I will be asked sometime, "Well, tell
12 us why you'll always want to know about the problems of the
13 children that are not doing well." The answer is that those
14 that doing well is good. So if I want to work with those
15 that don't do well, then we have all of them covered.

16 And I think we can go into that with that kind of
17 an attitude. Just saying what Frederick Douglas said, that
18 it is really easier to strengthen or make strong children
19 than it is to fix or repair broken men. And when you look at
20 the narrative about the stream going and all these babies are
21 in there and somebody stands in the middle pulling them out
22 as they come, and then someone goes upstream, and they say,
23 well, now come back and help me pull them out. No. Let me
24 go down here to see why they're there.

25 I think that's what we are asking you to do. We

1 are saying that you do have the right and obligation to
2 really regulate and to also look at what works and what
3 doesn't work. I agree with Harold. You all have done a lot
4 of work. And over the last five years, when I first started
5 this work, I graduated from college, but I didn't even know
6 how city council members were elected. I didn't know how the
7 school board was elected. Because in our community that just
8 wasn't a priority.

9 After integration a lot of things changed. The
10 thought process changed. So we cannot assume that everybody
11 is doing the same thing and is at the same point. I have
12 talked to people in my community. I have talked to people
13 across the state that we work with. I have talked to my
14 local superintendent, who has been there four years doing
15 some amazing things. But now we are in that clip meeting, as
16 they call it, you know. I didn't know what it was. But
17 that's where we do our planning. So we are in there. But
18 one evening from 5:00 to 7:00 or 5:30 to 6:00 is not long
19 enough.

20 So we are asking you to make some recommendations
21 in terms of how this can work and talk about using the
22 language of focus groups. Use the language of retreats, of
23 summits, that include community members. Just like we are
24 here today, this has been amazing. But guess what? We have
25 been here all day, and look how much we have learned. So

1 none of us could have done this in five minutes. And a lot
2 of times that is all we have on the school board agenda or
3 that is all we have in an advisory meeting. Or someone said
4 about making it convenient for parents and students to be
5 there.

6 One of the things that you can do is recommend that
7 when they turn in their plan, because the secretaries, they
8 can turn it down. Is that right? So then why not say that,
9 hey, we want to help you make the best plan that you can, so
10 we will give you some recommendations. But we need to have
11 students that can attend and even let it be an educational
12 piece. Because that teacher that talked this morning about
13 teaching political science, some children should have been
14 here today as an educational opportunity.

15 But also, we want to share with you, I think
16 everybody who came here said that we will help you. I
17 recognize this is one of those big pieces of puzzles with 500
18 pieces to it or 1,000 pieces, bigger and bigger. I never
19 could do that. I can't even do the little ones that say --
20 anyway, but we can make that puzzle because this is a puzzle.
21 But you've got so many people that say they will help you,
22 because guess what? On the national level you don't have the
23 capacity. But guess what? On the state level they don't
24 have the capacity.

25 I applaud our state superintendent, Carey Wright.

1 I will give a shout out to her. If you notice, Mississippi
2 was at the bottom of everything. Well, we have moved up one.
3 Okay? In something. And I don't care. Laugh, I don't care.
4 But the bottom line is, guess what, we moved up one, but we
5 had to be doing something right. Because you know how much
6 it takes to even move. Well, at least we aren't there again.

7 And then when we talked about growth and
8 improvement, we even up at the top, they are showing that in
9 Mississippi, I think in language or reading, that were, I
10 think, like number 16 in terms of showing growth. We are
11 doing something right. But she is a superintendent that
12 said, "I do this because I'm concerned about the ones that we
13 lost." And when she said that, hey, you've got the right
14 spirit about this. Because it's not just the ones that we
15 got, it's the ones that we lost.

16 Our superintendent just came in. He works with us.
17 We are in meetings with him, with parents. We know as much
18 about the law as anyone else. Because like I said, I didn't
19 know what was going on when I first started this work.
20 Everything I know now is because spaces were opened up.
21 Meetings and trainings were opened up. You have to do that.
22 There is nothing wrong with you all saying: Hey, look, if
23 you want a model that works, then this is what you do.
24 Because I think we are talking about tomatoes and tomatoes
25 when we say strengthening and supporting versus, what

1 prescribed and dictate. If we are expecting certain things,
2 we have to be willing to what? Inspect it.

3 And we need you all to keep doing what you have
4 done. I know you all have spent five years, because I have
5 been coming back and forth for that long. And some of the
6 spaces that you all have brought people together, and I have
7 had conversations and I have learned stuff. But guess what?
8 You all have taken some of my opinions, some of my
9 suggestions.

10 We have a lot of folks that want to do that. And
11 if nothing else, if we don't get nothing else -- and I really
12 applaud you all, too, the staffers. I really applaud you all
13 because we have learned a lot from you all, as well. And
14 when we get in a spot and you all shake your head, we know
15 keep talking, keep talking, you know, because they need the
16 stories, as well.

17 And all we are saying to you is that you have
18 something that works. This law will work if we work it. And
19 you have people that say they will volunteer to help you.
20 There are foundations out there that fund a lot of our
21 organizations, but they fund education work, too. So when
22 you need money to say, hey, look, we need to bring some
23 people together, talk to us. Let's figure out if these
24 foundations will say you all have a change in policy, yes,
25 but we need your help. We have folks that want to change

1 policies, but they don't have the resources to do it. We
2 need to help them.

3 So, I mean, you know, I could say a lot more. Did
4 you get it? You all got that? Thank you.

5 (Laughter)

6 MS. WHALEN: Thank you.

7 MR. ROONEY: Thank you.

8 MS. PARKER: Let me just show one map, though. Let
9 me just show one tool, just one tool, just one tool, because
10 somebody is probably not here that is going to need their
11 time. This map here, can you all see the colors here? Can
12 you see the colors here? You all are giving money to
13 universities. This was a community-based organization,
14 Subject Echo* build this map. And this map on this page
15 here, it shows in Mississippi where our critical teacher
16 shortage areas are in the red.

17 Over here on the next page it shows about where
18 your -- here it is right here. In the -- I think this one
19 here talks about the poverty level. But when you look at the
20 colors, even from there, you can look at areas where your low
21 poverty areas are over here. Well, those were the same ones.
22 But guess where your F schools are? They are in those same
23 areas. And this report is called "Explaining Disparity and
24 Student Performances."

25 You can get universities to give our communities

1 capacity. When you get the data, we can get them, rather
2 than just telling them to do whatever they do with the money,
3 tell them to help us, help our communities. Because when you
4 paint a picture like this, you do create public will for
5 something to work.

6 Thank you.

7 MR. ROONEY: Thank you.

8 (Applause)

9 MR. ROONEY: Okay. Next is Darren Cambridge from
10 the National Council of Teachers of English.

11 *Darren Cambridge*

12 *National Council of Teachers of English*

13 MR. CAMBRIDGE: You are going to be hard to follow.

14 (Laughter)

15 MR. CAMBRIDGE: My name is Darren Cambridge, and I
16 am the Director of Policy Research and Development at the
17 National Council of Teachers of English. NCTE is the
18 Nation's oldest and broadest organization focused on literacy
19 and English studies. Our members range from early childhood
20 teachers to university faculty and include both classroom
21 teachers and researchers. Many are experts on designing and
22 evaluating assessments that improve instruction. And all
23 have important classroom experiences with what assessment can
24 do to support performance. So while we are going to submit
25 written, more broader comments, we will focus on assessment

1 today.

2 Drawing on this body of expertise, NCTE offers the
3 Department five recommendations on ESSA title regulations
4 related to assessment. First, ED should require states to
5 include teachers and principals as core members of teams that
6 develop their state assessment plans. Asking them for
7 feedback on plans that have already been created is not
8 sufficient. Creating assessment systems that are fair to all
9 students and that have the potential to contribute to student
10 achievement, as well as measure it, must be guided by
11 practitioner knowledge from the very beginning.

12 Only teachers and principals have the depth of
13 knowledge about student work, student culture, and
14 instructional practice together needed to fully understand
15 the consequences of assessment practices and the ways in
16 which it might contribute to greater student achievement.

17 Second, ED should require that states document how
18 the design of their assessment and accountability systems is
19 grounded in the best research on assessment of the specific
20 skills being assessed. For example, beyond the generalized
21 body of research about educational measurement, scholars,
22 including teacher researchers and university faculty outside
23 of the field of education, have produced a significant body
24 of evidence on how to most fairly and productively assess
25 reading, writing, speaking, and listening. These are all key

1 components to English language arts, but each poses its own
2 distinctive challenges for effective assessment.

3 Evaluation of the validity of any academic
4 achievement measure must consider its consequential validity;
5 that is, the actual effects on students of choices made using
6 testing results.

7 Third, ED should require that states provide
8 evidence that they have chosen measures of academic
9 achievement in their assessment systems that are most likely
10 to support increased student achievement, not just those that
11 are the easiest to measure. ED should strongly encourage
12 states to consider incorporating measures of academic
13 achievement other than standardized tests or extant data like
14 graduation rates. The broader body of research on assessment
15 of English language arts, to which we recommend attention,
16 suggests that alternative approaches, such as portfolio
17 assessment, could provide much more useful information to
18 teachers, administrators, policymakers, parents, and
19 community members about how to improve student achievement.

20 Recent improvements in technology allow for use at
21 levels of scale that have been previously difficult to
22 implement and sustain. Any system of peer review of
23 assessment measures should be designed to fairly evaluate
24 these alternative measures in addition to traditional tests.

25 Fourth, ED should hold states accountability for

1 providing sufficient guidance, resources, and technical
2 assistance to effectively implement assessment systems at the
3 local level. Currently the capacity of state education
4 agencies to provide such support is widely varied and lacking
5 in many states. Robust state support is particularly crucial
6 in states granted authority to implement assessments at the
7 local level. Local innovation as the potential to
8 dramatically improve assessment, if it is grounded in
9 research, integrally involves teachers and principals and
10 other stakeholders in design, and is adequately funded.

11 In addition, ED should strongly encourage states to
12 limit the amount of time during the school day spent on
13 testing and test preparation and to ensure that
14 accountability oriented assessment is aligned with formative
15 assessment designed at the school and classroom levels.
16 Research demonstrates that genuine formative assessment can
17 have a substantive impact on student achievement.

18 Finally, ED should clarify that standardized tests
19 be used in state assessment systems only for the purpose for
20 which they have been validated. Test designed for evaluating
21 school performance should not be used as the primary measure
22 for evaluating the performance of individual teachers.
23 Teacher evaluation systems must use multiple measures
24 appropriate to the local context.

25 Thank you for this opportunity to share NCT's

1 recommendations. We look forward to continuing to be part of
2 the conversation about implementation of ESSA.

3 MS. WHALEN: Thank you.

4 MR. ROONEY: Thank you.

5 Next we will hear from Kathy Lally from the
6 Communities in Schools, who will be speaking for Gary
7 Chapman.

8 *Kathy Lally*

9 *Communities in Schools, Inc.*

10 MS. LALLY: Good afternoon. I actually wanted to
11 follow Ms. Parker and give a shout out to Care Wright, who I
12 worked with in Montgomery County, Maryland, and DCPS and did
13 great work there, and I know she is doing great work in
14 Mississippi. But I am really pleased to be here to offer
15 comments on the Every Student Succeeds Act. My name is Kathy
16 Lally. I am Vice President for Growth and Impact at
17 Communities in Schools.

18 Communities in Schools is the Nation's largest and
19 most effective dropout prevention organization. Operating in
20 more than 2,400 schools in the most challenged communities of
21 25 states and the District of Columbia, Communities in
22 Schools serves nearly 1.5 million young people and their
23 families each year. Communities in Schools' unique model
24 positions site coordinators inside schools to meet the needs
25 of the whole child by assessing their needs and providing

1 them with the resources that will help them stay in school
2 and succeed in life.

3 We partner with nearly 400 school districts and
4 17,000 partners, like local businesses, social service
5 agencies, and healthcare providers to mobilize 40,000
6 volunteers. Whether it is providing food, school supplies,
7 healthcare providers to mobilize 40,000 volunteers,
8 Communities in Schools is there to help. This local and
9 school-based approach has been proven effective at removing
10 academic and nonacademic barriers to student achievement by
11 increasing graduation rates, lowering dropout rates,
12 increasing academic achievement, and increasing attendance.

13 Communities in Schools is excited about the
14 opportunities in ESSA for evidenced-based practice and
15 integrated student support services. We would like to
16 provide the Department with two recommendations regarding
17 Title I. Congress deliberately ESSA to include opportunities
18 for states and districts to promote academic success and
19 discourage student dropouts by developing, securing, and
20 coordinating supports that target academic and nonacademic
21 barriers to achievement.

22 Our first recommendation, ESSA explicitly allows
23 states and districts to use Title I dollars on integrated
24 student supports and other evidence-based strategies.
25 Previous iterations of the Elementary and Secondary Education

1 Act lacked clarification with regard to Title I and student
2 supports, creating conflicting interpretations that
3 discourage local and state education agencies to use Title I
4 dollars for integrated student support activities.

5 Communities in Schools encourages the Department to
6 circulate guidance clarifying that local and state education
7 agencies are permitted to use Title I dollars for these
8 activities. Furthermore, the Department should work to
9 educate local and state education agencies on how ESSA
10 provides opportunities for the use of integrated student
11 supports and furthers the communities school model.

12 Secondly, the Department should refrain from
13 issuing guidance or regulation that has the effect of taking
14 stewardship of Title I funding away from states and
15 districts. States and districts must be allowed to utilize
16 the student support strategies that they view as working best
17 for their students in their communities, including those that
18 reduce systemic obstacles to learning and provide a holistic
19 approach to K through 12 education.

20 With that in mind, we urge the Department to tread
21 carefully when considering regulation or guidance that may
22 undermine local flexibility and prevent states and districts
23 from using Title I dollars that they deem fit.

24 On behalf of the 200 local and state CIS
25 organizations, the 1.5 million students that we serve, and

1 the 9 million additional students in poverty who will benefit
2 from these modifications in ESSA, thank you so much for the
3 opportunity to comment and consider our two very clear
4 recommendations.

5 Thanks so much.

6 MS. WHALEN: Thank you.

7 MR. ROONEY: Thank you.

8 Next we have Melissa Tomlinson.

9 ***Melissa Tomlinson***

10 MS. TOMLINSON: Hi. My name is Melissa Tomlinson,
11 and I'm a special education teacher in New Jersey. And
12 honestly, what Karen just got done saying is basically a lot
13 of what I have to say, only she did 100 times better. I have
14 seen maybe two, three, four teachers in the audience today.
15 And that's a fact right off the bat that concerns me, when
16 teachers are the ones that see, that are on the front lines,
17 that know what our students are dealing with on a daily
18 basis.

19 So as the Department works towards outlining the
20 regulations that will guide the implementation of ESSA, I
21 urge you to keep one thing in mind, who is really central at
22 the decision-making that will be taking place? The students
23 that walk through our doors come attached with many
24 identifying labels that help drive the collection of data,
25 homeless, foster child, previously incarcerated youth,

1 disabled, English language learner, and many more.

2 And while I do not deny the need for collection of
3 data to recognize gaps and implement programs, I hope you do
4 not fail to recognize a few things. First and foremost, the
5 number of students in our country that have experienced one
6 or more traumatic events is at an all-time high. This is a
7 concern that we, as a Nation as a whole, have failed to
8 acknowledge. While our education system has been doing a
9 good job recognizing needs and working towards providing
10 supports and services, we will not experience the growth that
11 we seek until more emphasis is placed on preventative
12 measures that seek to address the needs of a child as a
13 whole.

14 And as those hierarchy of needs, the basis of
15 motivational and education theory has been in existence since
16 1943. The 1970s brought additional needs into the hierarchy.
17 But one fact has remained, effective learning will not occur
18 without specific basic needs being met first. Biological and
19 physiological, safety, love and belongingness, and esteem.
20 Until complete attention is given to this basic human
21 concept, we cannot create policy. We cannot analyze data.
22 We cannot teach. But we will not be highly effective.

23 This is why I am urging for guidance to be
24 developed that provides pathways for LEAs to build,
25 strengthen, and sustain partnerships on local levels with

1 successful charter network here in our Nation's Capital.

2 Focus is encouraged by many of the ESSA provisions.

3 We support the continuation of the testing requirement, the
4 focus on academic achievement of all student subgroups, and
5 the ability of states to set accountability goals that are
6 meaningful in their particular context. Focus also supports
7 the negotiated rule-making on standards assessments and
8 supplement not supplant. Finally, in a city where publicly
9 funded early childhood education is a current reality, ESSA
10 is highly supportive of early child education.

11 On the charter school side, we are pleased with the
12 continuance of the charter school program, in particular,
13 dedicated funding for the replication and expansion of high-
14 performing schools, increased flexibility, and allowable
15 costs for startup schools, more flexibility for the use of a
16 weighted lottery to increase charter access for the most
17 disadvantaged students, and the meaningful inclusion of
18 charter representatives and implementation of ESSA at the
19 state and local level.

20 In thinking about regulations that will assist
21 states in meaningfully implementing the provisions of ESSA,
22 it is important that the Department carefully consider the
23 interaction of federal law with state charter law. The
24 success of public charter schools in Washington, D.C., is
25 partially due to its congressionally enacted charter law, the

1 School Reform Act of 1995. Its principles of autonomy and
2 equity shouldn't be abridged by any regulations. In
3 particular, our authorizer, the Public Charter School Board,
4 is widely considered to be one of the strongest authorizers
5 in the country due in no small part to its independent
6 nature.

7 Regulations should clarify that ESSA does not
8 supersede existing law regarding what entity is responsible
9 for monitoring and holding accountable public chartering
10 agencies.

11 Finally, with my teacher hat on, the guidance on
12 accountability provisions should be mindful of not creating
13 incentives to over assess students. The flexibility to
14 include interim assessments, computer-adaptive assessments,
15 or other innovative assessments is helpful. However, the
16 temptation to use these as an "in addition to," as opposed to
17 "a part of" cannot be ignored and should be addressed.

18 In addition, the inclusion of a fifth indicator of
19 school quality and student success beyond achievement in high
20 school graduation is helpful, but not if it detracts from
21 instructional time or puts additional work on already
22 overburdened teachers. Regulations should encourage the
23 measurement of already existing efforts, as opposed to
24 burdensome systems that detract from the most important work
25 of educators.

1 And in my experience, in our family's military -- let me
2 start again. Our family's military service has allowed me to
3 advocate for my children across multiple states and to
4 discover that academic expectations and the allowed level of
5 parent involvement varies greatly from state to state and
6 from local school to local school.

7 Working with other families of children with
8 disabilities has brought to light the same concerns of the
9 inequity in academic expectations and parental
10 involvement based on assigned school. Particularly
11 enlightening is the difference in the level of parental
12 involvement accepted by the school for my typical child and
13 my special needs children.

14 For my typical child, I am cheerfully welcomed into
15 his classroom. And my support for his educational progress
16 is applauded. The school climate is markedly different from
17 my special needs children. The schoolhouse door is closed,
18 and my parental involvement is met with suspicion and polite
19 but collective rejection.

20 Fundamentally I believe my disabled children are
21 entitled to receive equal educational opportunity and benefit
22 from their public education as my non-disabled children and
23 to be held to the same high academic standards as their non-
24 disabled peers. This is not the education offered by the
25 school, a fundamental disagreement in our educational belief

1 perpetuating the ongoing tension in the parent-school
2 relationship broadly experienced by parents of students with
3 disabilities, including myself.

4 We applaud lawmakers in working together to enact
5 the ESSA to provide all children the opportunity to receive
6 fair, equitable, and high-quality education, and to address
7 the substantial educational achievement caps between disabled
8 children like mine and their non-disabled peers through
9 ensuring annual state report cards measure performance of
10 student subgroups and establish ambitious goals for annual
11 progress.

12 We also applaud the ESSA for addressing the
13 necessity of parental involvement in all stages of the
14 educational process, from the establishment of
15 multidisciplinary teams naming parents as required
16 participants in the development of state plans to the
17 implementation of family engagement centers focused on
18 enhancing systemic and effective family engagement policies
19 and programs at state and local levels.

20 We urge regulators to use all authority to ensure
21 meaningful progress is realized towards closing the achieving
22 gap for at-risk children like mine by providing clear
23 regulatory guidance for the definition of underperforming,
24 specifying time frames for necessary intervention action when
25 subgroups of students are not achieving to ensure students

1 like mine do not experience multi-year delays in their
2 educational progress, as is currently the norm in special
3 education, mandating students with disabilities be assessed
4 at their enrolled grade level and continuing that from No
5 Child Left Behind, and taking the critical step of regulating
6 statistically sound best practice standards and establishing
7 the minimum number of students, or also known as N-size, to
8 be included in the state accountability system to ensure
9 states provide meaningful accountability data, and all
10 schools are held accountable for all student progress.

11 We urge regulators to provide clear regulatory
12 guidance in ensuring progress data is published in an
13 accessible format and provided to families in a timely manner
14 to allow for meaningful and timely intervention in their
15 children's educational programs. We also urge regulators to
16 provide clear guidance to ensure the implementation of
17 systemic and comprehensive improvements in healthy school
18 climates, including a reduction in bullying, as experienced
19 by my language disabled daughter, identifying and reducing
20 the alarming use of harmful restraints and seclusions, and
21 forcefully addressing the well-established school-to-prison
22 pipeline disproportionately experienced by children with
23 disabilities.

24 Above all, we urge regulators to use all authority
25 to regulate and ensure meaningful and equitable parental

1 involvement across all states, within all school districts,
2 and in every local school, including parents at every level
3 of the educational planning and implementation process. We
4 are a necessary voice in our children's education and a voice
5 that is too often sidelined in deference to educational
6 expertise, but the educational experts lack the expertise
7 regarding our individual children and lack the high
8 expectations that parents hold for their children.

9 Our disabled children must have equal opportunity
10 to have the benefits of education as their non-disabled
11 peers. And ensuring that parental involvement is included at
12 every step of the process is the only way to make this a
13 reality.

14 Thank you very much.

15 (Applause)

16 MS. WHALEN: Thank you.

17 MR. ROONEY: Thank you.

18 Next is Melanie Mendonca from the Community
19 Education Council District 23.

20 (No response.)

21 MR. ROONEY: All right. Narric Rome from the
22 Americans for the Arts.

23 And before Mr. Rome starts, I just want to remind
24 everyone that we are getting close to the end of the list.
25 So if anyone who has not spoken who would like an opportunity

1 to speak, please sign at the registration desk so we can make
2 sure we have your names. And we will call you up, because it
3 looks like we will have some time.

4 Go ahead, Mr. Rome.

5 *Narric Rome*

6 *Americans for the Arts*

7 MR. ROME: Good afternoon. I am Narric Rome, Vice
8 President of Government Affairs and Arts Education at
9 Americans for the Arts. As a former appointee here at the
10 Department in the Legislative Affairs Office, I appreciate
11 very much the work that you are doing. Thank you for your
12 patience and also for the time of staff on Capitol Hill, as
13 well.

14 I am pleased to be here to speak for arts and arts
15 education stakeholders, including all of the arts
16 disciplines, such as theater, dance, music, media arts, and
17 visual arts. Nationally speaking, we have seen some exciting
18 moments for arts education. Just recently, the student that
19 introduced the President at the signing of the Every Student
20 Succeeds Act cited his own arts education experiences in his
21 remarks. And the new acting Secretary, Mr. King, has also
22 talked about how his theater education was important to his
23 remarkable personal story as a young student.

24 We see about a dozen places in the legislation, in
25 the ESSA legislation, where the arts have been addressed.

1 And in some cases there is progress being made in these
2 provisions. For years, arts educators have had to combat the
3 unintended consequences of No Child Left Behind's adequately
4 yearly progress and testing. And our hope is that we have
5 turned the corner on those problems.

6 Today at this hearing addressing the Title I
7 section, it is the pursuit of education equity for all
8 students that Americans for the Arts joins with many of the
9 stakeholders, if not all of them, that you are hearing from
10 today. And I would like to focus on the impact the
11 Department's guidance has had and will have on education
12 providers and leaders downstream in the states, in the school
13 districts, in the schools, and in the classrooms.

14 We are pleased to see that arts was included in the
15 definition of a well-rounded education. And the arts
16 education field is further pleased to note that the Senate
17 report language stated, "For the purposes of this definition,
18 the term arts may include the subjects of dance, media arts,
19 music, theater, and visual arts, and other arts disciplines,
20 as determined by the state or local educational agency." We
21 hope that the Department will continue its support in its way
22 so that all of the arts disciplines can be supported through
23 Title I and no discipline stands alone or is left out.

24 As arts education advocates recognize, and I am
25 sure you do as well, that providing a curricular subject like

1 the arts in a school and district is obviously a local
2 education decision. But resourcing it through Title I,
3 providing clear eligibility for it to serve as a solution for
4 states and local education agencies to use, is a federal
5 responsibility. Your new Title I guidance should make an
6 explicit statement that the arts are an eligible use of Title
7 I funds and can help to achieve Title I goals.

8 Not only have previous secretaries made similar
9 points, but the Department's arts education program, newly
10 reauthorized in this legislation, has provided over \$400
11 million in federal support over a decade showing just that,
12 that arts education can help schools achieve their Title I
13 goals. And that is evidence-based.

14 The casemaking for this point is even clearer at
15 schools identified as within the lowest performing five
16 percent. The new ESSA law has shifted the federal support
17 for school improvement programs into Title I. And states
18 will be taking on the responsibility for addressing those
19 schools.

20 Now let me tell you a little bit about the
21 turnaround arts program. It is a public-private partnership
22 led by the President's Committee on the Arts and Humanities
23 in partnership with the White House, the U.S. Department of
24 Education, and several private foundations. And it is
25 managed by Americans for the Arts.

1 Turnaround arts works in 27 school districts in 15
2 states and has a cohort of the lowest performing five percent
3 of America's elementary and middle schools. A three-year
4 program evaluation of turnaround arts pilot schools found
5 significant improvement in academic achievement, reduction in
6 disciplinary referrals, and increases in attendance among
7 their findings. And in addition, the study also found that
8 turnaround arts schools outperformed comparable schools in
9 their city or state that also receive federal funds for
10 school improvement, the SIG schools. We are talking about
11 22-percent better scores in math and 13-percent better scores
12 in reading and language arts.

13 And as I reach the end of my five minutes, I thank
14 you for this opportunity to share this feedback with you and
15 look forward to the continued communications on how the
16 Department's work ahead can also support arts education
17 nationally and allow states and school districts to support
18 the arts through Title I.

19 Thank you.

20 MS. WHALEN: Thank you.

21 MR. ROONEY: All right. Abby Ayoub from the
22 Optical Academy.

23 (No response.)

24 MR. ROONEY: Let me go back through the people I
25 called earlier just to make sure they didn't come in and miss

1 their turn. Drew Franklin?

2 (No response.)

3 MR. ROONEY: Edgar Cahn?

4 (No response.)

5 MR. ROONEY: Melanie Mendonca?

6 (No response.)

7 MR. ROONEY: Okay. Do we have any -- okay.

8 So this is will be our last call if anyone else
9 would like to take five minutes to talk to us about your
10 thoughts or suggestions for us. We are happy to have a last
11 final call for anyone.

12 (No response.)

13 MS. WHALEN: Hearing none, let me take this
14 opportunity to thank everybody both here in person and on the
15 live stream for your attention today. For those who came in
16 person, we really appreciate your thoughts, your feedback,
17 and your priorities. They were extremely valuable. And it
18 was a great pleasure to be able to participate in today's
19 meeting with you guys today.

20 A couple of reminders, today's transcript, as well
21 as the list of all public speakers and their associations,
22 will be available on our website. We are receiving and
23 encourage you to submit public comments by January 21, 2016.
24 And that is through the Federal E-rule-making website within
25 the Federal Register. I believe the actual website is

1 www.regulations.gov. And you can get to the E-rule-making
2 portal from that place.

3 Also, for those of you on live stream, if today's
4 meeting was so exciting you have to be there in person in
5 L.A., please register by tomorrow, January 12, 2016. And you
6 can do so by registering, my e-mailing
7 essa.publichearing@ed.gov. Again, you can register by
8 tomorrow, and that meeting will be held on January 19, 2016,
9 in Los Angeles.

10 Thank you guys all for your time. And we really
11 appreciate all you are doing on behalf of the students of
12 America. Thank you so much.

13 (Applause)

14 (Whereupon, the meeting adjourned at 3:58 p.m.)

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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 11, 2016 at the Department of Education, Washington, DC.

Lisa Burns *1/27/2016*
Lisa Burns Date
Reporter

Gail Williams *1/27/2016*
Gail Williams Date
Certified Transcriber