Every Student Succeeds Act (ESSA)
A Public Input Meeting

Monday
January 11, 2016

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Audio Associates
(301) 577-5882
# ESSA Public Input Meeting

January 11, 2016

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"*" Indicates phonetic spelling in transcript.
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.
We greatly appreciate you taking your time to be here today to share your input. Your advice and recommendations are critical to helping the Department of Education support the successful implementation of the Every Student Succeeds Act or ESSA.

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

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

The Department is soliciting advice and recommendations regarding regulations and guidance needed to
implement programs under Title I of ESSA, both in person and electronically. This provides stakeholders with an opportunity to identify areas that could particularly benefit from regulations and provide specific feedback on what those regulations should establish and require.

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

We are also holding this and one other regional meeting to solicit advice and recommendations from stakeholders. The second meeting will be held on January 19 in the University of California, Los Angeles. At these meetings we request your advice and recommendations regarding topics from which regulations or non-regulatory guidance may be necessary or helpful, as states and districts transition to the new law. Programs under Title I of the law are designed to help disadvantaged children meet high academic standards. Comments provided at these meetings should be focused on these issues.
As a reminder, the purposes of these hearings and comment period is for us to listen and learn. And therefore, we will not be at this time providing individual or general responses or reflections to the testimony made today. We will use this thoughtful feedback to inform our work as we implement the new law.

Again, we thank you for being here today and look forward to receiving your comments and input.

Now my colleague, Patrick Rooney, will provide some logistical information as we go over today's agenda.

**Logistics and Plan for the Day**

*by Patrick Rooney*

MR. ROONEY: Thanks. And I also want to join Ann in thanking you all for joining us here today.

So I will give you some logistical information to start off the day. And then if you have any additional questions, please feel free to check in with our colleagues around the corner on the Maryland Avenue side of the building, who can answer any other questions you might have during the day.

As you can see from the agenda at the registration table, today's meeting is broken into three two-hour sessions, during which participants will have the opportunity to share their advice and recommendations with us. If you registered in advance, you should already have been assigned
to one of the two-hour slots. And you should find your name on the agenda, which will give you a general idea of when you can expect to speak.

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

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

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

Each speaker will be given five minutes to speak, to share his or her comments. And given that we have a number of people interested in sharing their thoughts, we ask that you respect the time limit in order to ensure we have the opportunity for everyone to speak. There is a timer that is on the podium that will alert you to how much time you
have left. It will start out with green. When you have one
minute left, it will turn to yellow. And then when your time
is up, it will blink red to let you know that your time has
ended. We will ask you to conclude your thoughts, if you
have not finished by the end of your five minutes.

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

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

So again, please don't hesitate to direct any
additional questions to the team seated at the registration
table or around the room. Again, all the staff with the blue
ribbons are here to answer any questions you might have. And
our contractors are also wearing purple ribbons. So if you
have questions on logistics, our contractors, who I think are
sitting primarily at the registration table, can help with
those questions.

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

**Governor Bob Wise**

*Alliance for Excellent Education*

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

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

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

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

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

Even with these gains, we know that one in five students will drop out of high school this year, more than 4,000 students every school day. Additionally, 1,235 high schools nationwide fail to graduate one third or more of
their students. These schools disproportionately enroll
students of color and students from low income families.
These graduation gaps also remain prevalent. Indeed over the
past four years the gap in graduation rates between Latino
and white students grew in nine states and for African
American students and white students increased in ten states.

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

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

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

Let me move right to some of the additional
regulations that we think are important: Using the Adjusted
Cohort Graduation Rate to implement ESSA's requirement to identify and support high schools where one third or more of students do not graduate.

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

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

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

And five, clarifying that states have the flexibility to utilize accountability dashboards not just indexes, just as a car's dashboard provides information on a variety of parts, such as the engine, tire pressure, or gas levels, an accountability dashboard provides an array of information about school performance and practices rather than a single index score. Dashboards promote transparency, support continuous improvement of all schools, and allow states to more effectively measure the deep learning skills and competencies students need to be successful in this world.
We thank you for the early action you are taking and look forward to working with you over this exciting year to come.

MS. WHALEN: Thank you.

MR. ROONEY: Great. Thank you.

Next we will hear from Peter Zamora from the Council of Chief State School Officers.

Peter Zamora

Council of Chief State School Officers

MR. ZAMORA: Thank you. Good morning. On behalf of the Council of Chief State School Officers, a national non-profit organization representing state superintendents of education, thank you for the opportunity to comment on what regulation and guidance the Department should issue to interpret the Every Student Succeeds Act.

Generally, CCSSO urges the Department to provide clear and timely interpretive guidance only when necessary to resolve uncertainties that arise in implementing a complex and comprehensive new federal statute. The CCSSO strongly supported congressional approval of ESSA because the law provides a long-term stable federal policy that gives states additional flexibility and encourages states and schools to innovate while at the same time holding us accountable for results.

In effect, it codifies a bipartisan national
movement to restore authority in education policy to states and local school districts. States have been leading the way in education policy for some time. As former Secretary Arne Duncan has said, our best ideas have always come from state and local governments, which are the real hothouses of innovation in America.

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

Congress was quite clear in prescribing the Department's authority regulate under ESSA. The conference committee report, which was approved by a bipartisan vote of 39 to 1, contains the following instructions to the Department on academic accountability, for example. While it is the intent of the conferees to allow the Secretary to issue regulations and guidance to clarify the intent and implement the law, conferees intended to prohibit any such regulation that would create new requirements inconsistent with or outside the scope of the law, including regulations that would take from a state the authority to establish a statewide accountability system.
ESSA reflects a strong bipartisan congressional intent to restore substantial education authority to states and local school districts. Unlike No Child Left Behind, which codified specific federal accountability time lines and intervention strategies, ESSA empowers states to determine when, under what basis, and how to address the challenges faced by struggling schools.

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

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

Implementation of a comprehensive new law is an extraordinarily complex endeavor at every level, federal, state and local. Passage of ESSA presents state and local leaders with many questions about how to implement in a manner that is both responsive to state and local needs and compliant with federal law. We welcome the Department's partnership in implementing the new law as Congress intended and providing interpretative guidance as state and local leaders embrace new opportunities under the law to better serve students.

Thank you very much.

MS. WHALEN: Thank you.

MR. ROONEY: Great. Thanks.

And now we will hear from Liz King from the Leadership Conference on Civil and Human Rights.

Liz King

Leadership Conference on Civil and Human Rights

MS. KING: My name is Liz King, and I am the Director of Education Policy for the Leadership Conference on Civil and Human Rights in Washington, D.C. We are a coalition charged by our diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States. Through
advocacy and outreach to targeted constituencies we work toward the goal of a more open and just society, an America as good as its ideals.

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

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

The civil rights community worked very hard to preserve the Department's authority to issue regulations, guidance, and provide technical assistance for the implementation of the ESSA. Despite various claims to the contrary, federal funds are still conditioned on thorough
compliance with the law. The Department still has the
weighty responsibility of developing regulations that are
comprehensive enough to ensure that state and local
implementation is consistent with the intent of this law and
the long-standing federal role in protecting the civil rights
of all Americans.

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

In direct response to the request for information
regarding regulations to implement programs under Title I of
ESSA, we encourage the Department to propose regulations
regarding accountability, assessment, supplement not
supplant, educator equity, data reporting, and inter-district
resource equity. We believe the Department should propose
regulations which ensure that state accountability systems
are driven by the performance of groups of students and that
support and intervention systems are developed with
stakeholders and are implemented to raise achievements for chronic low performing groups of students. It will be crucial to reinforce that so-called super groups or the aggregation of students by race, ethnicity, disability, or income status obscures important differences in history and identity and is not consistent with the law as written.

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

Ensuring the valid and reliable assessment of English language proficiency and the inclusion of English learners in content assessments is crucial to ensuring that these students have the supports they need for English language acquisition and content proficiency. In the instances where local assessments are permitted in the law as a pilot of eventual statewide assessments, and in some districts for the high school assessment, it will be imperative to ensure that assessments meet the highest standards of validity, reliability, and comparability and that students with disabilities and English learners are included in the assessments. These assessments should not be an excuse to provide vulnerable students with lower quality
assessments or obscure disparities in student outcomes.

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

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

Thank you.

MS. WHALEN: Thank you.

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

Kim Hymes

National Center for Learning Disabilities

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

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

Many of these children have been identified as having a disability, such as learning disabilities or ADHD, but others struggle with the same challenges and go unidentified. Whether they have an identified disability or not, most of these students spend the majority of their school day in the general education classroom. When provided with the right services and supports, they can and do thrive in school and life.
ESSA provides an opportunity to improve outcomes for children with learning and attention issues. The U.S. Department of Education can and should issue regulations, guidance, and technical assistance to all stakeholders to provide clarity and support for the implementation of ESSA.

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

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

Our second focus area is assessments. NCLD urges the Department to issue regulations, guidance, and technical
assistance regarding two major areas related to assessments. The first is about the alternate assessment based on alternate academic achievement standards, which I will just refer to as the alternate assessment. And the second is to help ensure students with disabilities have access to a wide range of accommodations on assessments.

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

Another issue related to assessments is the underused and lack of availability of accommodations on assessments. For some students with disabilities, accommodations ensure that they are able to access the assessment and demonstrate their knowledge and skills. Next, our third area is ensuring that Title I state and LEA report cards are truly a tool for transparency. Families must know how their child's school is performing, not only through data put into context, but also through narrative commentary that describes areas of strength and
challenge and plans for moving forward. These report cards can be informative tools for families, if they contain useful information that is transparent and does not mask the performance of student subgroups.

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

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

In addition, NCLD also plans on joining with our colleagues in the disability and civil rights communities in submitting additional comments by the January 21 deadline. Thank you.
MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

**Brenda Calderon**

**National Council of La Raza**

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

In my remarks I would like to provide a brief statistical landscape of Latino and English learner student population and discuss areas for regulatory actions. NCLR believes that English is critical to success in this Nation and strongly supports English language acquisition and
effective integration of immigrants. NCLR and its affiliate network are in the business of helping Latinos and immigrants acquire English. For example, about half of our affiliates provide some English language acquisition services. In addition, NCLR's network of about 115 charter schools serves a diverse group of students, including English learners.

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

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

One in four children in the U.S. schools are Hispanic, and this figure is growing. ELs are one in ten
students, and we have continued to see a steady increase in
our English learner population in schools. In order for this
new law to be successful, we must ensure that it meets the
needs of nearly 12 million Latino students in U.S. schools
and 5 million English learners in our classroom, 80 percent
of which are Spanish speakers.

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

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

To begin with, the law creates a new definition for
the English learner subgroup for the purposes of accountability. States can include ELs up to four years after they have been reclassified in EL subgroup. This will create a masking effect and hide the true performance of current ELs. While we understand the concerns around stabilizing the subgroup to monitor long-term trends, we see this as more appropriate for reporting purposes rather than accountability. And we encourage the Department to desegregate current versus former ELs in the reporting subgroups.

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

On assessments, there must be research on which accommodations are most effective at reducing test inaccuracy for ELs, especially now that these exams must be tied to
English language proficiency standards. The new law also allows for locally designed assessments. We must consider issues of equity and comparability for students that may need additional accommodations, such as ELs.

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

Finally, I will conclude with the need to emphasize parental involvement in the new law and the need to make sure that parents are given consideration as partners in the academic success of their children. Underlying ESSA is the theory that students will meet higher benchmarks if they are challenged. And if they do not, their parents will march into the schools and demand change. To think that the average parent from a low income community can march into a school and connect the dots between state standards, state assessments, and ESSA's complicated accountability requirements is fantasy. Parents need to get the information.
from an accessible source that can help them understand the complicated school system, particularly as it relates to the new requirements in ESSA.

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

Thank you.

MS. WHALEN: Thank you.

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

**Tommy Sheridan**

**National Head Start Association**

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

Let me begin just with a statement of congratulations. After working on the periphery of this
legislation for several years, the Head Start community is delighted to be finally having an implementation conversation rather than just a legislative conversation. And we would particularly like to congratulate the Department, congratulate Congress and the congressional staff here, as well as all the other advocates and leaders in this room and across the Nation for really their tireless dedication that has taken place over the past several years to improving our Nation's public school system.

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

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

We recommend that the Department of Education work very closely with the Department of Health and Human Services to put forth such regulations and guidances for LEAs about
basically how to craft those agreements and in such a way that it aligns with the regulations Head Start already has in place. The lifelong success of our Nation's most vulnerable children and their families depends on the ability for Head Start and their school partners to effectively collaborate. And these agreements have the unique opportunity to support these partnerships.

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

Third, we recommend that the Department begin working closely with HHS on the implementation of the new
preschool development grants program. We encourage both departments to put forth guidance and funding announcements that clearly articulate to the need to build state early learning systems in collaboration with Head Start and other proven models of early childhood education that are already operating in communities. This is a fantastic opportunity, again understanding its authority lies slightly outside of ESSA, and we just encourage the Administration to begin work as soon as possible.

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

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

In closing, Head Start appreciates the opportunity to provide comments and recommendations. And NHSA stands ready to collaborate with and support the Administration as the process moves forward. And I would thank you all very much for the time.
MS. WHALEN: Thank you.

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

Christine Wolfe

National Alliance for Public Charter Schools

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

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

Public charter schools are public schools or districts under ESSA. Therefore, while some of the issues that require clarification through regulations or guidance
are unique to charters, others are not. First of all, the National Alliance supports conducting a negotiated rule-making process on assessments and supplement not supplant provisions. This process can help build consensus and clarity and understanding what is permitted under ESSA. We do not support including additional issues, such as accountability requirements as part of such a process.

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

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

On the issue of accountability, the National Alliance supported the accountability provisions in ESSA that requires states to set goals for all groups of students, which will help to ensure that all students graduate prepared for post-secondary education or the workforce. But while
there is intentional flexibility in the statute as to what is
required in setting goals and measuring student progress,
there is also some ambiguity. For example, what exactly
differentiates a school that is comprehensive or targeted
interventions and support, if subgroups alone put that school
in the bottom five percent?

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

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

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

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

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

Regarding school improvement and interventions, ESSA doesn't specify what interventions are permissible as part of comprehensive support. We believe charter schools have an important role to play in turning around low-performing schools and helping students in failing schools.
find access to higher-performing schools. We would like to see any accountability regulations or guidance to clearly delineate restarting charter schools as charter schools as a permissible use of funds.

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

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

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

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

Lily Eskelsen Garcia

National Education Association

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

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

The new law potentially delivers on all three of those, and it is why we are so excited that implementation discussions are starting right away. It paves the way for finally seeing access and opportunity as a real part of what gets counted. And now on an historic development for our education system in this new law, we also see that it returns a significant responsibility to states and school districts...
to plan on and ensure that students are learning. But it doesn't leave out the important role of the U.S. Department of Education and its enforcement authority and responsibility to ensure that students have equitable access to a robust and well-rounded education and to the supports that students need to make sure that they excel. We call that our whole child education.

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

We want to make sure that there are more voices coming together at the decision-making tables. None of us should want to shortcut this very important collaboration. It is the only way that this new law is going to bring us to something better. There is built-in time for that deep engagement of all stakeholders, and we urge the U.S. Department of Education to set a good example by not rushing its process, its part of the process for the sake of expediency.
The implementation process is going to have to be simultaneously built at the national, the state, the local, and, what we think as the most exciting part, the school building level. We are going to look at schools across the country, taking a look at policies that need to be updated, need to be improved. And we implore the Department to ensure the regulatory process is infused with the best thinking of the people who actually know the names of the kids, the people who teach them, their parents, that school community. Concepts all across the country are being developed even as we speak. And we hope that the two listening sessions are only the beginning of the Department's listening tour. We believe that it is listening that will lead us to a better place, more engagement of the whole school community, more stakeholder voice. And we believe that that will be the game changers when you bring people together, and they all feel confidence in what is being developed.

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

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

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

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Now Scott Sargrad from the Center for American
Progress.

Scott Sargrad
Center for American Progress

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

And CAP strongly supported the recent passage of
the Every Student Success Act as a major step forward to move
beyond No Child Left Behind. And while it is certainly
perfect, we believe that ESSA strikes the right balance
between accountability and flexibility. It holds states,
districts, and school accountable for raising student
achievement and closing achievement gaps while giving them
the flexibility to design systems that meet their students' specific needs.

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

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

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

Second with respect to assessments, ESSA provides

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

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

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

There are a number of areas where the law is unclear, and regulation, guidance, and technical assistance are going to be necessary to help states and districts meet
their obligations and the requirements of the law. In particular, the Department should consider regulations, guidance, or technical assistance to clarify the meaning of terms such as meaningful differentiation, substantial weight, much greater weight, significant progress, consistently under-performing.

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

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

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

Fourth, ESSA makes important changes to some of the fiscal provisions in Title I and some of the related data requirements. These changes can help ensure that the
students with the greatest needs and the schools serving them actually do receive the greatest level of funding, while at the same time reducing districts' compliance burden and reducing ineffective and inefficient spending at the local level.

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

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

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

MS. WHALEN: Thank you.

MR. ROONEY: Thanks.
Now we will hear from Julie Borst.

**Julie Borst**

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

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

Among the worst, I think, are still the onerous standardized testing. More students with disabilities will be required to take irrelevant and developmentally inappropriate tests. Local districts will continue to waste precious dollars on infrastructure to support these tests. And I'm not sure for what. That's a conversation, obviously, that can go on for a very long time, and I think it's worth having. Let's just say that from where I sit as a parent and an advocate that the tests are a waste of time and money.
Well-trained, dedicated professionals, as Lily was talking about, are what's needed, not more tests.

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

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

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

So preschool, high-quality preschool, has become
the new mantra in this vein, especially in New Jersey.

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

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

Goldman Sachs received money back for every one of those 109 students and will continue to do so as long as they are not classified for special education all the way through sixth grade. And to be perfectly frank, this raises a lot of questions. So what was the starting criteria for those
students? What diagnostic test did they use? What was the medical history? Demographics? How many students would have likely had to have had special education, if they didn't have a high-quality preschool? How many would they expect to classify even with that experience? What is high-quality preschool? What does high-quality preschool cost? How much did Utah spend on preschool previously? What is the threshold that was to be met by Goldman Sachs to earn its money back, and who would have covered those costs if it had failed?

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

There is also the issue of cost. High-quality preschool costs are generally three to four times what Goldman Sachs invested per student. It is not clear how the high-quality label was actually executed as some of the students went to daycare instead of preschool. Utah has set the rule book, but they also have had no preschool without
this program. Why were they allowed to set the bar so low and so obviously skewed as to have this a win for Goldman Sachs? And perhaps more importantly, what is Utah doing to ensure those success students in fact were properly not identified?

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

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

Okay. So we will move next to Jeff Simering from
the Council of Great City Schools.

Jeff Simering
Council of Great City Schools

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

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

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

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

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

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

We think there is a strong continuing role for non-regulatory guidance to explain and provide examples of
implementation options and flexibilities. As a general rule, we would recommend merely reiterating statutory language in the upcoming regulations. And we would ask to refrain from further defining terms and adding further criteria. For example, the evidence-based activities definition is referenced dozens of times in the statute in various context and with various qualifications. The Council recommends not adding further complexities to this.

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

The new supplement not supplant compliance methodology we think should be addressed in the regulations. And we will have recommendations on how to do that in the areas of non-school level expenditures. The credibility for ESSA, I think, has been a rocky situation over the last decade. And I think it is in everyone's best interest basically to try to rebuild that credibility. And to do so, school districts need to feel like the Department is paying attention to their local needs and not just listening basically to state departments of education. And to do so, we think that local practitioners should comprise the
majority of the peer reviewers, should comprise the majority
of the negotiated rule-makers, and the Department should
focus attention on those end users, students and schools that
are the end users of ESSA funds.

In closing, to be clear, there are new challenges.
There are new burdens. There are new requirements contained
in ESSA that most state and school districts have yet to
consider. And this includes, among other things, an
unprecedented new requirement to develop and implement
improvement measures in identified non-Title I schools in
which we can't use Title I funds to implement those
activities.

Given these expanded local ESSA responsibilities,
we think at the Council that we would like to have the
Department exercise restraint in the regulation process. And
we are happy to participate in other forums to discuss those
in more specifics.

Thanks a lot.

MS. WHALEN: Thank you.

MR. ROONEY: Next is Lynn Tuttle from the National
Association for Music Education.

Lynn Tuttle

National Association for Music Education

MS. TUTTLE: Hello. Good morning. My name is Lynn
Tuttle, and it is my honor to serve as the Senior Regulatory
Policy Advisor for the National Association for Music Education representing 68,000 members. Bringing music education to our Nation's students and schools, we, along with our coalition members and the Music Education Policy Roundtable, believe that all students should have access to high-quality music education.

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

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

Number one, require disaggregated data for all well-rounded subject educators teaching outside of their credentialed teaching areas, including music educators. We have anecdotal stories from our colleagues that they are being asked to teach reading and math. Having the data to confront this information would be extremely useful for our
Number two, encourage states to include access to music education as an other indicator determined by the state in the new state-level accountability formulas. New Jersey, utilizing data from its state longitudinal data system, currently includes access to music and arts education as part of its school report card system. Such information helps advocates, philanthropists, and community leaders understand where additional resources may be needed to create better access to music and arts education within their states. The information of statewide access to music and the arts often exists, just not in accessible format for parents, policymakers, researchers, and advocates to use.

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

And finally, number four, include samples of how
music and the arts support and contribute to parental and family engagement. Dr. Joyce Epstein recognizes audience participation at student concerts as one of the reasons which parents successfully connect with their schools. Making this connection between concert participation, music education, and family engagement would help call out how music and the arts contribute to a school's culture and climate.

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

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

Thank you.

MS. WHALEN: Thank you.

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

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

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

NIEA wants to emphasize the need for educational entities to collaborate and coordinate efforts to better support our Nation's most vulnerable youth. Through ESSA for the first time ever tribes have the opportunity to play more of an active role in educating their citizens. As excited as we are for this win on behalf of Indian Country, we are also
cautious about how states will engage with tribes in regards to consultation, which is why NIEA would recommend that the Department of Education better define meaningful consultation between tribes, states, and local educational agencies. For the shift of power from the federal to state level it is vital that the Department of Education provide clear expectations about what is meaningful consultation versus merely suggesting that it occurs.

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

Through treaties, federal law, U.S. Supreme Court decisions, the Federal Government has a trust responsibility to provide adequate resources to Native education. NIEA agrees with the Department of Education's process for tribal engagement through identification, outreach, consultation, and follow-up. We firmly believe that in order for meaningful consultation to occur it has to happen at the earliest possible stage. NIEA recommends that the Department
of Education uses this outline police as the basis of its regulations on tribal consultation.

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

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

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

Finally, NIEA also supports our civil rights partners ask regarding assessments, accountability, data
reporting, and educator equity. So as we move forward in implementing Title I, we are looking forward to working with you all.

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Jamy Brice-Hyde.

Jamy Brice-Hyde

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

Thirty-one thousand teachers responded to that survey over a period of ten days last May. What that survey revealed was the demoralization of my profession. And what
it also told me is that something needed to change. So when ESSA was reauthorized, I said, wow, I have a little bit of hope. There is a spark of sun ray out there for me and my kids.

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

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

I'm concerned that I'm the only teacher that has spoken so far today. There is a huge divide and an enormous trust issue between public educators, parents, kids, this Department, and this Department and public policymakers. We have to change that, if we're really going to improve public education. The accountability system under No Child Left Behind and under Race to the Top has destroyed teachers. We
have been lambasted publicly by multiple billionaire-run organizations saying we're the problem. I've got news for you folks out there. A test score is not going to tell you what these kids need. One in four kids in my State of New York live in poverty. Fix it, not the test.

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

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

And then your Department sends a letter that says if you don't have 95 percent of the kids taking the test, we're going to withhold your funding. I can't -- I can't
even fathom the -- to me, it's unconscionable. It's unconscionable. It's not acceptable. It's not right for my kids.

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

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

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

Those bubble tests, my kid is in college. She is not -- she has taken two bubble tests in four years of
college. She is a senior this year. It is all experiential learning, collaboration, and technology.

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

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

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

(Applause)

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

(No response.)

MR. ROONEY: Otherwise we will move to the next
person, which is Dan Weisberg from TNTP.

Dan Weisberg

TNTP

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

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

Thank you for the opportunity to offer advice on how the Department can continue Title I's long legacy of promoting educational equity. I want to briefly highlight opportunities in four aspects of the new law: Statewide
accountability systems, assessments, school support and improvement, and equity distribution of teachers.

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

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

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

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

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

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

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

These regulations wouldn't run afoul of the statute
but would encourage states to continue developing evaluation
systems that meaningfully differentiate teacher performance
so that fewer schools will be flying blind as they work to improve.

Thank you very much.

MS. WHALEN: Thank you.

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

Sandra Davis

Baltimore Teachers Union

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

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

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

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

I hope that the U.S. Department of Education enforces the paraprofessional certification requirements in states and districts. I am also pleased to learn that in Title II the part of the law that provides funds to support educators, including allowing funds to be used for professional development or career ladders. Districts and states must consult with paraprofessionals among others in
the development of their plans. I urge the Department not to ignore the importance of paraprofessionals in the implementation of ESSA.

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

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

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

Zakiya Sankara-Jabar

Dignity in Schools Campaign

MS. SANKARA-JABAR: Good morning. My name is Zakiya Sankara-Jabar. I am a parent organizer and Executive Director of Racial Justice Now based in Dayton, Ohio. We are
a parent organizing and community-based organization that
focuses primarily on organizing African American parents in
low income communities around Dayton and Montgomery County,
Ohio. I am also the National Co-Chair for the National
Dignity in Schools Campaign. Dignity in Schools Campaign is
a national coalition of youth, parents, educators, lawyers,
and advocates working to ensure that all children are treated
with dignity and respect in the classroom.

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

To that end, we would urge the Department
(technical difficulty)--- regulation and provide technical
assessment to schools that have addressed the requirement and
safety that aligns with the 2014 issuance of Joint Guidance
on School Discipline issued by this Department and the
Department of Justice. In the law it does require, as an
indicator, that school climate and school quality does impact
student success. Students obviously cannot learn if they are
not even in the classroom. Students cannot learn or achieve
if they don't feel a sense of respect and love as they attend
Schools with overly punitive school discipline practices like suspension or expulsions, those students are more likely to drop out of school and to be retained a grade. Schools cannot succeed if students are pushed out. In fact, punitive provisions of the No Child Left Behind law motivated many schools to push students out of schools to inflate test scores. And ESSA should urge schools to keep all students in school and enhance learning for all students.

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

In the regulations, guidance and/or technical assistance, states should ensure the needs assessment is a fully examined area for improvement to enforce safe and healthy school environments, including reducing the presence of police in schools, reducing suspension and expulsion rates, and addressing in a meaningful way disproportionality and discipline along racial, gender, and disability lines.
assistance to states should urge local education agencies to
meaningfully include parents and other stakeholders in
developing a needs assessment, including and being receptive
to the input and ideas about fostering safe and healthy
school environments. Regulations, guidance, and technical
assistance to states is needed to help LEAs identify partners
for programming under Title I, give strong consideration to
nonprofit community-based organizations and entities to
partner with schools. Community-based organizations who have
a foothold in the relationship with parents and other
stakeholders in the community should definitely be considered
first as a partner in local education agencies. Guidance is
needed to ensure that for-profits do not monopolize upon
these opportunities without having the needed expertise and
experience in serving in low income school districts,
guidance needed to ensure distribution of funds is
geographically diverse, guidance for how schools can monitor,
track, and report on the use of funds to ensure that they
will be used as intended. This is key for accountability.

And finally, I would like to again thank the
Department for allowing me to have this opportunity to
address this body and to address you. I am happy to be here
as a parent, again, of a student who was overly disciplined
starting at the age of three years old. We all know that
African American students, in particular African American
male students, are disproportionately impacted by
suspensions, expulsions, and even school-based arrests. And
we are here to highlight that as an issue and hope that the
Department will consider very strongly regulations around how
that looks in local education agencies and in states.

Thank you very much.

MS. WHALEN: Thank you.

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

Alice Cain

Teach Plus

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

I would like to cover two things today, share some
themes I have heard from our nearly 4,000 teachers who were
involved in ESSA advocacy, and make suggestions that I think can make a difference in ensuring implementation is successful for as many students as possible.

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

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

Our teachers focused on four issues: Assessment, accountability, resource equity, and teacher leadership. They are strong proponents of continuing annual statewide assessments because they believe these assessments can and should be used to improve the quality of education and effectiveness of interventions. In the words of Alex Fuentes, one of our teacher leaders in Virginia, "You cannot separate assessment from teaching. I need to know what my students do and do not understand. State tests give me data on how my students are doing relative to other students, and I need that reality check. State tests also provide data
that states and districts can use to develop and refine teacher evaluation systems that recognize and reward excellent teaching, helping to keep the most effective teachers in the classroom." But strict enforcement of the 95-percent requirement also matters to our teachers. They have seen what happens when their students are excluded and states cannot be permitted under any circumstances go to backwards in that way.

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

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

The final thing I want to comment on is teacher leadership. We are thrilled by the provisions supporting
teacher leadership, as well as the new Secretary's desire to make elevating the teaching profession one of his top priorities. I have some advice here on what not to do. Whatever you do, please do not think of this as a separate add-on siloed activity. Instead please think explicitly about the links between teacher leadership and your other policy goals. Ideally with the recognition that getting teacher leadership right is a means to an end, to better policy implementation and ultimately better student outcomes.

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

We are excited about the new Title II provisions designed to assist states and LEAs in retaining effective
teachers, including opportunities for effective teachers to lead evidence-based PD for their peers, provide training and support for teachers who are part of instructional leadership teams, and providing professional growth through career paths that incorporate hybrid rules that allow teachers to lead instructional coaching or mentoring while remaining in the classroom with a reduced load. This is something I hear over and over from teachers across the country that they want.

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

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Before we go to the next to the last person on the list schedule for this morning's session, I did want to say that we will have a little bit of extra time. We have had one or two people who walked in and asked to speak this morning. If anyone else would like to speak before the end
of the morning session, please go the registration table so
we can try to accommodate as many of them as possible before
we break. So if you would like to do that, please go to the
registration table.

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

Delia Pompa

Migration Policy Institute

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

Having studied education policies that support
successful integration of English learners into our Nation's
schools for the last 15 years, our interest in the passage of
ESSA and its successful implementation is built on solid
data, impartial analysis, deep understanding of political
processes, the engagement of multiple stakeholders in our research and analysis, as well as by our interest in the well-being of all children.

Thus, we are encouraged by the newly required inclusion of English proficiency outcomes in states accountability systems. This provision is an important example of where additional clarification and technical assistance is required from the Department of Education.

Regulations that define parameters for how English proficiency will figure into a state's academic indicators should take into account the size of the English language population in a particular state, growth in proficiency levels in the EL population, and the grade level distribution of all the EL population.

Certainly imbedded in these regulations should be guidance on how to measure progress in English proficiency versus measuring English proficiency itself. Fortunately, there is a body of research from which to define these parameters and examples from a few states on how to operationalize this knowledge. The Department must define parameters for ensuring that English proficiency outcomes are included in a manner that reflects analysis of existing data and best practice. Doing so is key to fulfilling the law's intent to include the full spectrum of English learners' performance in accountability.
Closely related to inclusion of EL outcomes in accountability frameworks is the new requirement that states develop standardized entry processes into special language services and exit a reclassification from these services. This new provision will drive equity in both identification and appropriate services, if implemented well. Just as a student's access to a good education should not be determined by his zip code, an English learner's right to an appropriate education cannot rely on politically driven identification procedures and criteria.

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

The law now permits states to include in the EL subgroup EL students up to four years after they have exited special language services. Including former English learners in the English learners subgroup allows states and districts to present a more robust picture of how well their English learner students are progressing after meeting exit criteria. However, by including English learners, excuse me, by including former English learners, overall scores for the subgroup will rise and may mask the performance of current English learners. The Department must address this issue
through the regulatory process requiring states to carefully
disaggregate and monitor achievement for current English
learners and to address any downward trends in performance as
soon as they are noted.

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

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

MPI looks forward to working alongside the
Department to bring ESSA to full implementation beginning
with the regulatory process and continuing through provision
of much-needed information and technical assistance to various communities that support English learners. We will be submitting written comments to expand upon my brief remarks today.

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

(No response.)

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

Heather Noonan
League of American Orchestras

MS. NOONAN: Thank you for the opportunity to provide comments regarding implementation of the Every Student Succeeds Act. I'm Heather Noonan, Vice President for Advocacy for the League of American Orchestras. The League of American Orchestras is a national service organization for more than 1,300 youth, collegiate, community, and professional orchestras throughout this country. And as
nonprofit, community-based organizations, orchestras partner with parents, educators, and other public stakeholders in pursuing increased, more equitable access to arts education in our Nation's schools.

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

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

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

Finally, in support of ESSA's goal of supporting equitable access to a complete education, we urge the
Department to more frequently collect data regarding arts education in its routine data collection instruments and through more frequent implementation of the national assessment of education progress in the arts.

The assessment frameworks that accompany the standards represent dynamic examples of portfolio and performance-based assessments and practices that measure what students know and are able to do. These practices can serve as a helpful resource as states develop assessment strategies for all subjects that comprise a complete education.

Thank you for the opportunity to participate in this process. The League of American Orchestras looks forward to submitting more detailed written comments for the record. We and our member orchestras look forward to partnering with stakeholders in this room and at the state and local level in pursuit of a complete education for all students.

Thank you.

MR. ROONEY: Thank you.

And I think Susie Saavedra from the National Urban League just came in. So if she is ready, we are happy to take comments from her.

Susie Saavedra

National Urban League

MS. SAAVEDRA: Good morning. The National Urban
League is the Nation's leading civil rights and urban advocacy organization. And our recommendations are derived from our 104-plus years of advocacy in education and the direct educational services provided by our 94 affiliates in over 300 communities in 36 states and the District of Columbia.

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

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

For our first priority, we would like to see the Department ensure that state accountability systems are driven by student outcomes and trigger timely interventions. There are aspects of the accountability system that require clarification in our view. We believe that it is Congress's intent that state accountability systems should be driven by
student outcome indicators, thus our comments will encourage
the Department to clarify the meaning of substantial weight
and much greater.

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

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

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

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

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

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

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

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

Mary Kingston Roche

Coalition for Community Schools

MS. KINGSTON ROCHE: Good morning and thank you for the opportunity to submit our comments. I am Mary Kingston...
Roche, Director of Public Policy with the Coalition for Community Schools. The new Every Student Succeeds Act contains key provisions that advance the principle that partnerships among school, family, and community are essential for student success. The bill's passage is a pivotal moment for the community schools' movement, which is built on that principle.

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

For Title I we offer a few specific comments today, and we will be submitting more through comments by January 21. First, we are very pleased that the law requires states to incorporate at least one nonacademic indicator into their accountability system. This provision represents a significant recognition of the multiple factors that
influence young people's success. We feel that while states should carefully consider which indicators will be most meaningful to include, the Department should encourage states to develop a comprehensive framework for results that ties the academic and nonacademic indicators together. This will ensure that the nonacademic indicators are not just an additional data point that states will collect, but is a powerful tool to drive how states will support students to succeed.

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

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

The second recommendation is that we urge the Department to include community partners as stakeholders to be consulted for LEA plans alongside educators and parents. Under ESSA, states and districts must report a broader set of results toward beyond academics, including chronic absence, school discipline, and school climate data. Experience tells
us that schools must partner with their community to tackle these goals together. United Ways, community-based organizations, higher education institution, National Urban League chapters, local government and others are already involved in various ways. And the Department can affirm the importance of their involvement in its regulations.

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

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

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

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

The requirements for school-wide program plans align extremely well with the major components of the community school strategy. And we recommend the community school strategy be referenced as a vehicle to effectively implement school-wide programs. From the requirements to coordinate and integrate federal, state, and local programs to conduct a comprehensive needs assessment of the entire school, to address the needs of all the children in a school, these are all activities that community schools do
effectively and strategically. And we urge the Department to encourage districts to tap the assets of their partners and consider the community school strategy as a means to implement school-wide programs at a high level.

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

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

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

And I think, unless there are any other additional
walk-ins on the list --

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

MR. MARTINEZ: (Away from microphone)

MR. ROONEY: Okay. Great.

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

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

Fernando Martinez

Dignity in the Schools Campaign

MR. MARTINEZ: Hi. Well, thank you for -- my name
is Fernando Martinez. And I really appreciate the
opportunity of speaking to you today. And I also want to,
before I get started, I want to share with you that I'm the
field organizer for the Dignity in the Schools Campaign. The
Dignity in the Schools Campaign is a national organization
made out of parents, classroom teachers, legal groups,
advocacy groups, that come together to advocate for the human
right of every child in public education. And that's what
makes us different, because we look into the human right when
we talk about public education. And from that perspective, I
want to address you, the Department, and other stakeholders
specifically around the school climate as an indicator for
the school quality or student success, which is the Section
1111.
And before -- number one, I would like to also appreciate all the staff and the legislators and our partners who actually work with community members to make sure that these will be in this bill, specifically around very good things around school discipline and school climate.

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

We are very happy to see this measure right here, but we are a little bit concerned that, you know, we need to have some guidance and regulations on how a school district can actually measure school climate and safety, because we are concerned that safety could actually be interpreted as putting more surveillance camera, putting more metal detectors, putting more police around the schools. And yes, we do want the students to be safe. We do want the teachers to be safe in the classroom. But we must have some guidance
there for schools districts to follow and they don't go on
the wrong direction, which criminalizing the students and the
parents when they actually are in the classroom. This is our
concern.

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

So those kind of examples that are happening in
other communities implementing restorative justice bring in
more of the communities to deal with discipline are really
working and improving the climate. Chicago is doing police
circles to different schools. We see that in Miami Dade
County in Miami, Florida. Power Youth is also working on
restorative justice implementation. Los Angeles Unified
School District is working with a lot of our members there,
the Labor Strategy Center, Cadra*, and many other member 
public councils that are actually working with the school 
district on school climate. And we would be happy to work 
with the Department on some kind of like checklist, or it 
could be a self-assessment for the school district to go and 
say how we're implementing this, how we're measuring this, 
how we can measure that. It could be a report card.

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

Thank you.

MS. WHALEN: Thank you.

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

Just a few reminders. One, we are accepting public
comment to be submitted in writing through our E-rule making until January 21, 2016. So if you haven't done so already, please submit your comments in writing.

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

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

So thank you all very much.

(Whereupon, a luncheon recess was taken.)
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 [Contact Information]
your questions or concerns. You can flag them by their badge with their beautiful ribbons underneath. So that is to help the process today.

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

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

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

It also empowers state and local decision makers to develop their own strong systems for school improvement. The Department is soliciting advice and recommendations regarding regulations and guidance needed to implement programs under Title I of ESSA both in person and electronically. This provides stakeholders with an opportunity to identify areas that could particularly benefit from regulations and provides specific feedback on what those regulations should establish and require.

As part of this process, we are accepting electronic comments through the Federal E-rule making portal, as described in the Federal Register Notice published on December 22, 2015, as well as written comments via postal mail, commercial delivery, or hand delivery. We strongly encourage everyone participating in today's meeting to also submit comments through our process. You may submit comments on or before January 21, 2016. Again, please submit any comments on or before January 21, 2016.

We are also holding this and one other regional meeting to solicit advice and recommendations from stakeholders. The second meeting will be held on January 19 at the University of California in Los Angeles. At this meeting, we request your advice and recommendations regarding topics for which regulation or non-regulatory guidance may be
necessary or helpful as states and districts transition to the new law.

Programs under Title I of the law are designed to help disadvantaged children meet high academic standards. Comments provided at these meetings should be focused on these issues. As a reminder, the purpose of these meetings and comment periods is for us to listen and learn, and therefore we will not be at this time providing individual or general responses or reflections to the testimony made today. We will use this thoughtful feedback to inform our work as we implement the new law.

Again, we thank you for being here today and look forward to receiving your comments and input.

I will now turn it over to my colleague, Patrick Rooney, who will go over a few logistics of today's meeting.

**Logistics and Plan for the Day**

*by Patrick Rooney*

MR. ROONEY: Good afternoon, everyone. I also want to thank you all for coming and welcome you here. We are looking forward to hearing from all of you this afternoon. I am going to go through a few of the logistics. But just to remind you, if you do have any questions, my colleagues, who are seated around the room and at the registration table out in the hallway, can answer any other questions you have during the session.
As you can see from the agenda, we have -- we are broken into three two-hour blocks. And we are trying to give the participants as much time to provide their advice and recommendations to us. So if you registered in advance, you will see your name on the agenda, which will give you a general time of when you will be speaking this afternoon. But please know that the agenda may change depending if people aren't here, you may go earlier than your name appears on the agenda. So we ask that you be ready to speak at any time during the session.

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

So we ask that you just please follow along with the agenda so you have a general sense of when you will be speaking. I will also announce each speaker at the end of the previous speaker. So at that point we ask you to come up to the podium as quickly as possible. Each speaker will have five minutes to speak. There is a timer on the podium itself, which will count down the five minutes. It will start green. When you have a minute left, it will turn yellow. And then when your time concludes, it will turn red.
We will ask you to conclude your thoughts by the end of the five minutes, if you haven't finished by the time the light turns red.

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

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

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

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

MS. WHALEN: And speakers have the honor of
standing up at the podium.

Public Comments

Curtis Decker, National Disability Rights Network

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

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

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

We are deeply concerned about the potential impact of changes in Title I for children and youth with disabilities, who have benefitted in important ways from the
federal oversight that NCLB provided. P&Ns and other civil
rights stakeholders have an important in the development of
state plans and their implementation.

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

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

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

With regard to N-size, this is especially important
in rural areas and when considering the critical issue of
intersectionality. As studies have shown, children of color with disabilities are at the greatest risk of school removal and other negative school outcomes. And yet an N-size and data collection system that is inaccurately structured can overlook these problems.

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

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

School quality on student success indicators.

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

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

Thank you again for the opportunity to testify.

And as I said, we will be submitting more detailed comments...
by the time period allowed. Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next we will hear from Daniel Domenech from AASA.

Daniel Domenech

AASA: The School Superintendents Association

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

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

In ESSA, Congress delivered both. AASA looks
forward to working with the Department as you move forward
with ESSA regulations. We appreciate the expediency with
which the Department is undertaking the regulation process
and strongly encourage the Department to move regulations
that are in line with the spirit of the ESSA statute and that
reflect the input and feedback of stakeholders. By focusing
the federal role on strengthening and supporting public
schools and avoiding any tendency to unnecessarily prescribe
and dictate, the Department can and must work to implement
ESSA in a manner that reflects the expended authority and
flexibility now granted to the education experts at the
states and local level.

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

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

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

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

The Department can lead by empowering school
districts to implement critical technology and personalized
learning opportunities in flexible ways that best serve the
needs of our students.

Thank you for convening this public hearing. And I appreciate the opportunity to share these comments today. We look forward to working with the Department and ensuring the involvement of our Nation's public school superintendents in the many facets of ESSA implementation.

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Dane Linn from the Business Roundtable.

Dane Linn

Business Roundtable

MR. LINN: On behalf of the Business Roundtable, I want to thank you for the opportunity to provide comments today. CEOs support the move to shift responsibility from the Federal Government to the states as they begin to implement the law. Our members strongly believe that success can only be measured with a focus on improving school performance and results.

The Department not only has a role to play moving forward, but a responsibility to provide guidance to states
that both recognizes the broader flexibility the law provides while also providing some guardrails that will prevent student achievement gaps to grow and a reduction in the number of students who not only don't graduate from high school but are ill equipped to succeed in college and the workplace.

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

While the law requires participation rates to be included as part of the statewide accountability system, there must be a high bar of what is acceptable to states holding schools accountable. For example, simply including an asterisk next to a school's letter grade for having a low number of students taking the assessment must not be allowed. Instead the Department should provide suggestions and guidance or regulations for how states can implement this requirement.
For example, under the NCLB waivers some states automatically identified schools for improvement if they failed to meet the 95-percent target. Failure to set a high bar will allow schools to mask low performance and eliminate the ability for parents to truly compare the relative quality of their child's school.

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

Area number three, ensure state accountability systems are focused on academics. No surprise coming from the business community. CEOs believe that states should continue to ensure student tests and graduation rates are the predominant factors in determining whether or not states and districts are meeting the state-defined goals and for differentiating among all public schools in the state. The law's requirement that gives states substantial weight to
each academic and nonacademic indicator used in their accountability system is in need of clarification. This is particularly in light of the law's additional requirement that academic factors be assigned a much greater weight. Under the waivers, some states have developed index systems which have appropriately assigned a fairly minimal weight to nonacademic indicators, such as attendance. These states should continue to have the ability to assign a relatively small weight to these indicators while still meeting the definition of substantial.

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

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

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

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

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

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

MS. WHALEN: Thank you.

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

_Stephen Parker_

_National Governors Association_

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

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

Congress listened and produced a federal law designed for states that reflects the state-federal relationship envisions by governors, so much so that NGA
endorsed ESSA, the organization's first endorsement of any federal legislation in 20 years. This is a historic law for states. And governors plan to play an active role implementing it at the national, state, and district levels. ESSA returns authority to states, districts, educators, and parents. And our top priority is to make sure that it remains with them.

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

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

Also with workforce and post-secondary education becoming a key piece of accountability systems, governors will make sure that guidance and regulations from the
Department build on what states have already been doing and allow them to aim high in those accountability systems.

Turning around the Nation's lowest performing schools was a priority of ESSA, and governors share that priority.

Governors were pleased that ESSA prioritized state-led school improvement with full flexibility for states and districts to determine the best strategies to intervene in low-performing schools.

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

Finally on other big issues, we encourage you to look to the states for guidance and information that will hopefully inform your efforts as you write guidance.

Particularly in Virginia, Governor McAuliffe has brought together teachers, school boards members, parents, and stakeholders from across the Commonwealth to look at accountability systems and testing. And hopefully they will have a firm result in the next few months to show you the way and show potential ideas for accountability systems and guidance for testing that you all are currently writing.

Finally, the governors have really laid out five
broad principles that hopefully will guide you all as you
develop guidance and regulations moving forward. First,
guidance should be the primary tool that the Federal
Government utilizes to inform state efforts to implement
ESSA.

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

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

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

Fifth and finally, federal ESSA guidance and
regulations, when necessary, should focus on meeting the
needs of students and empowering educators and parents,
allowing governors to prepare students for the high-skilled
careers of the 21st century and for a successful life.

Ultimately, governors want to use ESSA to take our education
systems from good to great. And let me assure you that governors stand ready to inform the Department's efforts, to work with our fellow education stakeholders to make sure that happens.

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

MS. WHALEN: Thank you.

MR. ROONEY: Thanks.

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

Elizabeth Davis

Washington D.C. Teachers Union

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

WTU members and teachers across the country are excited about the passage of the ESSA and its potential for relief from the high-stakes test and punish policies that have dominated schools. The law clearly shows that the voices of educators have been heard. It will now be up to individual states and local school districts to take advantage of the opportunities ESSA provides to create
systems in which factors, such as resources, working conditions, and teacher voices, must be considered. Teacher evaluation will be used to grow and strengthen the profession, not sort and punish. Assessments will be used to help improve schools and inform instruction, not arbitrarily measure them.

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

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

I would also like to encourage the Department to work swiftly to allow states and districts to have better and
fewer assessments so that more time can be spent teaching and learning. This means that the Department should quickly establish a pilot program for innovative assessments so states willing to try project-based assessments can do so, and other places like D.C. can learn from them.

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

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

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

Additionally, ESSA has put in place good provisions requiring more transparency and accountability for charter
schools. This is a welcome step. But I can tell you in Washington, D.C., charter schools have decimated local communities and often exacerbated our city's inequities. Please carefully examine the impact of charter schools on segregation and community well-being when you award grants for charter school development and expansion.

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

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

MR. ROONEY: Thank you.

MS. WHALEN: Thank you.

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

**Janel George**

**NAACP Legal Defense and Educational Fund**

MS. GEORGE: Thank you so much for the opportunity to be here today. My name is Janel George. I am Senior Education and Policy Council with NAACP Legal Defense and Educational Fund, which has advocated for equal access to quality educational opportunities, including through litigation of cases such as Brown versus Board of Education.
and through policy advocacy for a little over 75 years now.

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

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

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

Second, in the area of school funding the Department should issue regulations and provide technical assistance to states in identifying and providing targeted
funding for Title I districts ensuring geographic diversity
in the distribution of fundings and also helping schools to
outline methodologies for monitoring use of Title I funds to
ensure that they are used as intended. This is all the more
essential given that these Title I funds can now be combined
with local and other funds under flexible per-pupil spending.

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

And fourth, for reintegration of system-involved
youth, as a federal partner of the Dignity in Schools
Campaign, we know that youth of color are disproportionately
targeted, arrested, and referred to the juvenile justice
system often for minor disciplinary offenses. This increases
their likelihood of dropping out of school and fuels the
schools-to prison pipeline. Therefore, we urge the
Department, building upon the joint guidance issued by the
Department of Education, the Department of Justice, to
provide additional guidance, regulations, and technical
assistance to ensure that those students who become involved
with the juvenile system are able to receive credits that are
transferrable, reintegrate, receive the supports to
reintegrate back into the school environment, and obtain a
necessary high school diploma in order to pursue post-
secondary opportunities.

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

We thank you again for the opportunity to comment.

LDF looks forward to submitting written comments and to
continuing to work with the Department on implementation of
Next we will hear from Vito Borrello from the National Association for Family, School, and Community Engagement.

**Vito Borrello**

National Association for Family, School, and Community Engagement

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

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

Title I is the signature federal program to ensure that all of our Nation's children have access to a high quality education, especially the most disadvantaged. It is also the first federal education program that gives parents a role as full partners in how the Title I program is planned,
reviewed, and improved. However, this intent of Title I parents becoming full partners still needs to be realized.

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

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

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

Three, Because family engagement is a shared
responsibility, both educators and families need support to
effectively collaborate as education partners.

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

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

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

One, the NRG should state that the compact describe
how parents and teachers will work together. The compact
should be current, linked to the school's achievement data,
and describe how teachers in class and parents at home will
help students develop the critical skills identified in the
school plan.
Two, each section of the compact should be developed after parents, teachers, and students have discussed the skills students need to master and how they would like to work together. This is what developed with and approved by parents means.

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

Because it is critical to future success that children arrive ready for kindergarten, we also recommend that the NRG emphasize seamless coordination with early learning programs through the following: One, build strong family engagement practices from the early years so that families embed them into the home environment; two, create transition programs so that families can have a seamless transition into kindergarten and sustain the family engagement practices they have been using; three, create welcoming, inviting cultures at all levels of schooling. What has been modeled through Head Start must be replicated.
and enhanced within K-12.

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

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

MaryLee Allen

Children's Defense Fund

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

CDF has been advocating for more than 40 years for closing the achievement gap for poor children, black children and other children of color, children with disabilities, and
children with other special needs. CDF has expressed extreme concern about the diminish federal role in the new act. However, we believe it is critically important to help states now implement meaningful state accountability systems and measures to promote achievement for vulnerable children and vulnerable subgroups of children. The Department's remaining rule-making and guidance authority is essential to make that happen.

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

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

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

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

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

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

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

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

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Marlyn Tillman from Gwinnett STOPP.

Marlyn Tillman

Gwinnett STOPP

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

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

I would like to address some various sections of ESSA starting with use of funds. Funds must go to areas that are geographically diverse. Georgia schools are a mix -- and I should have said I am out of Gwinnett County, Georgia. Georgia schools are a mix of rural and urban. And they are
increasingly diverse, increasingly from low-wealth backgrounds, and each one has its own set of challenges and gifts.

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

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

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

Community-based organizations are instrumental in improving school and student outcomes. In theory, Title I
funding was expanded to take advantage of this important resource. However, in practice the application and requirements can be prohibitive for community-based organizations. We need regulations that don't line us out.

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

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

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

Peer review process for developing state plans, guidance needed on outreach and involvement of parents and
other community stakeholders, they need to be meaningfully involved. And it needs to take place at a time that parents can fully participate. And it should not require two years of classroom experience. We run a program called Parent Leadership Institute. And I can guarantee you none of them have two years of classroom experience, but they have a wealth of knowledge to input into that. And so it things like that that are barriers, and we are trying to remove those barriers.

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

Strong guidance on the peer review process, again and just very quickly, school climate. Dignity in Schools, we have to talk about school climate. So Gwinnett STOPP successfully advocated for school discipline being included as an indicator on our state report card. We have this really complex report card now, thanks to our waiver, that parents cannot understand. So we asked for school climate to be school discipline. They thought it was great. Didn't
implement the first year, but they said, "We'll come back the second year." And they did it. And we were happy. Yes, we got a win. They are going to look at school discipline.

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

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

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

And I am just going to stop now. And I would suggest that where there are "mays," maybe there is somewhere you can pencil in "shall." And just in closing, ESSA must be true to its civil rights rules, and flexibility must not equal no accountability.

Thank you.

MS. WHALEN:  Thank you.

MR. ROONEY:  Okay. Next is Amanda Fenton from the National Association of Charter School Authorizers.

Amanda Fenton

National Association of Charter School Authorizers

MS. FENTON:  Thank you very much for having me here today. My name is Amanda Fenton, and I am the Director of State and Federal Policy for the National Association of Charter School Authorizers. So authorizers are the entities that oversee charter schools. We decide which charter schools are allowed to open, oversee charter schools that are in operation, and hold charter schools accountable to the promises that they make to students, families, and taxpayers. In many states, we are local school boards, while in other states we are state departments of education, state agencies, universities, nonprofits, or city governments.

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

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

Last month the Department issued guidance that suspends some indicators for the '14/'15 and '15/'16 school years in the interest of a smooth transition. We don't disagree with this action, but we strongly encourage the Department and each state to make every attempt to minimize these data disruptions. It makes it exponentially difficult to expect the best from our schools, if we don't have benchmarked, objective yearly data on how they are doing.
Second, don't put failing charter schools in a state-mandated turnaround program. Close them. In the early 2000s, with few charter schools across the country, few states understood how their intervention systems, which are designed for failing traditional schools, would interact with the state's charter school law. This ended up creating a quagmire where some state Title I intervention systems actually got in the way of enforcing a charter contract and shuttering a failing charter school.

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

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

Third, make sure plans for Title I oversight work for all types of schools and all types of overseers. Too often under NCLB the state systems for Title I oversight relied exclusively on the traditional hierarchy and
infrastructure of a school district system. Charter schools and authorizers didn't receive information, were asked to contort themselves to fit a traditional mold, or were left with no guidance at all on their Title I oversight responsibilities. At its worst, this can lead to holes in oversight of our Title I funds or it can erode the accountability and autonomy that's at the core of the charter school model.

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

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

Thank you very much for your time.
MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

MenSa Ankh Maa

Teach for America - D.C. Region

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

We believe that by recruiting capable and promising teachers with tremendous leadership potential, while committed to working with low income students, can help build a pipeline of talent and innovative leadership that will be needed to help improve outcomes and opportunities for children. Teach for America supports this new law. We believe it will foster further progress towards ensuring excellent schools for all children. And we encourage states and local school districts to continue the work that needs to
be done to ensure that neither race nor background nor family
income limits a child's opportunities to succeed.

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

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

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

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

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

Throughout the ESEA authorization, Teach for America supported required disaggregation of student data along all AAPI subgroups. Along with the Leadership Conference for Civil and Human Rights and other national civil rights organizations, Teach for America was disappointed that this provision was included in the final legislation. However, while there is no federal requirement that states and school districts disaggregate their student data by AAPI subgroups, this law does not preclude states
from conducting this disaggregation on their own. And we look forward to the possibility that some will.

While it didn't appear in the final law, Teach for America also supported the Student Nondiscrimination Act, SNDA, because all students deserve an equal opportunity to learn and succeed in school. And students who are or who are perceived to be lesbian, gay, bisexual, or transgender are no different. Moreover, student academic achievement suffers when LGMTQ students are harassed, bullied, or discriminated against. Teach for America will continue our commitment to safety, fairness, and dignity for all of our students. And we look forward to states moving ahead in this space, even absent federal mandate.

We thank you for the opportunity to provide comment and look forward to regulations which balance fleshing out the ESSA-established guardrails alongside allowing states and local districts the latitude to innovate and forge new solutions to long-standing challenges in serving the needs of all children, especially those who are the most vulnerable.

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Marla Kilfoyle.

Marla Kilfoyle

MS. KILFOYLE: Thank you. Thank you for allowing
me to offer my recommendations and advice on Title I of the ESSA. I have been a public school teacher for 29 years. I have taught in rural, urban, and suburban school districts. I have a master's in education, and I am national board certified.

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

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

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

I am hoping the Department will be mindful of the use of the language called Personalized Learning. Will this...
be a vehicle for students to be placed in front of a computer screen for several hours a day? This is very concerning to me, as both a mother and an educator. Will this require that children be moved out of their public school to possibly an online learning center? We need to support strong, sustainable public schools in every community so that our children have a chance to attend to school in their community.

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

I am concerned that our ENL and ELL populations will be subject to multiple statewide interim assessments during the academic year. This once again results in more testing and less learning for our non-English speakers. What we are seeing for our ELL students is less time with their ELL teachers in instruction to teach them and acquire the English language. The drive to get them ready for a test at Audio Associates
(301) 577-5882
the end of the year that they are not ready to take due to a lack of language is abusive and inappropriate. Although pushing them into clashes with their English-speaking peers is excellent, and we know it is research proven to help them, there must also be a balance of making sure that we are giving them the instruction they need to acquire the English language. This has been taken away from them in many districts across the Nation.

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

I am also concerned about the idea of what is now innovative assessment systems, as outlined in Part B Title I that could be used as assessments in school districts. As educators, we have seen technology companies and testing companies pillage the coffers of public education with products that are inferior, that do not enhance teaching and learning, but instead are used to rank and sort children, evaluate their schools and their teachers. This is not what I want for my child. We do not want our classrooms to become places in which children sit in front of a computer screen.
for several hours a day and the teacher just becomes a
computer facilitator. We see a need for technology and to
make sure that our students are using it to enhance their
learning. That's important. But it should not replace the
human interactions that we need in the classrooms to become
productive global citizens.

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

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

I want to implore the Department to understand that
this trajectory will create conditions where a local school
district must pressure parents into making decisions they do
not want for their child. This is not good for a positive
relationship that school districts need to create in order to
cooperatively work with parents.
Thank you so much for your time and consideration, and I'm honored to be able to present.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next we will hear from Thomas Gentzel from the National School Boards Association.

**Thomas J. Gentzel**

*National School Boards Association*

MR. GENTZEL: Good afternoon. I am Tom Gentzel, Executive Director of NSBA, National School Boards Association. We are the Washington office for our State Associations of School Boards. In working in partnership with them, we represent 90,000 local school board members across the country.

I just want to make this point on behalf of our members. These are local officials, mostly elected, mostly unpaid. But they are lynchpin, really, in our system of governance for public education. They are the local officials who are accountable to their communities.

And so in that context I really want to thank Congress in particular for passing this bipartisan piece of legislation. That's historic. But I think it is also incredibly important that Congress underscore the importance of local governance, talking about how that's critical to ensure that we have a true continuum in education, pre-K
through 12 and on. And we know to do that we have to work
together to make that happen.

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

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

I would point out that in ESSA in Part, Section
8541, there is specific recognition of the importance of
community ownership and leadership in public education. It
is important, I think, that this language was included both
in the House bill and the Senate bill and then, of course,
the final piece of legislation. And so in that spirit we
come before you today with several recommendations that we hope will guide the successful implementation of this law.

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

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

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

For example, Title V, Section 5002, provides for
greater transferability among funds in Title I. We think it would be very helpful for the Department to provide some clarity on that, which funds can be combined, which ones can't be, and how that can work.

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

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

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

Yolanda Rondon

American-Arab Anti-Discrimination Committee

MS. RONDON: Good afternoon. My name is Yolanda
Rondon. I am staff attorney for the American-Arab Anti-Discrimination Committee. And on behalf of AAADC I would like to thank you for the opportunity to speak here today. AAADC for the last 35 years has defended Arab-Americans against discrimination, defamation, and stereotyping. For the last 20 years we have focused on education and policy initiatives that impact our students, as well as English language learners.

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

And so I am going to touch a little bit more on that later, but I want to bring back and go back to the fact that in the United States often wealth has always been
associated with access and opportunity. And unfortunately those who don't have wealth don't have the power or even the substantive right to a quality education. And this has been a reality for many Arab-Americans in this country, but particularly for those who are of Arab origin but from disadvantaged subgroups within the Arab community, including persons from Sudan, persons from Morocco, persons from Yemen, persons from Mauritania and Jibuti. And with that, we have to make sure that that's what the fundamental purpose of what Title I is supposed to implement.

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

Our first recommendation is regarding intervention and support. The Department has the authority and the responsibility to regulate and intervene where schools or school districts fail to remedy disparities and substantively address achievement gaps. The Department must take proactive measures and initiatives to make sure states are accurately
identifying schools where subgroups are underperforming. A footnote in a report is unacceptable. And any other arbitrary attempt to mask low performance must not be tolerated.

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

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

The Department should discourage in their regulations any exemption for ELL accountability in the state accountability systems for both math and English and make
clear that any exemption beyond a year is unacceptable and should not be tolerated.

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

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

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

(No response.)

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

Kim Musheno

Consortium for Citizens with Disabilities Education Task Force

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

This is an important time for the Department of Education to be proactive in supporting states and school districts in implementing this new law. AUCD and CCD respectfully request the Department to pay special attention to providing regulations and/or guidance in the following areas.
Under accountability, meaningful inclusion of students with disabilities in state accountability systems continues to be a priority for us. The Department must further clarify important details to ensure quick action by schools and states when students with disabilities and other minority groups are underperforming.

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

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

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

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

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

Given the well-researched and documented high incidence and detrimental consequences of the use of restraints and seclusion with students with disabilities and students from other minority groups, AUCD and CCD are especially pleased with the new state and local plan.
requirements regarding helping states to reduce the use of aversive behavioral interventions. The Department should clarify and strengthen the Congressional Conference Committee report language specifying that this language includes the use of restraints and seclusion. The Department should also help states improve learning through reducing incidents of bullying and harassment, as well as examining overuse of discipline procedures.

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

While LEA plans are required to address teacher distribution based on students from low income and minority backgrounds, AUCD and CCD believe that the Department must take this opportunity to recognize that students with disabilities also come from low income and minority backgrounds and analyze the access of all students with
disabilities to well-prepared educators.

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

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

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

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Jenny Collier from the RFK Juvenile Justice Collaborative.
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
technical training for young people involved in the justice
system and upon their reentry to the community. Those regs
were based on eight listening sessions nationwide and were
signed by 128 organization, including the National Education
Association, the Leadership Conference on Civil and Human
Rights, and the American Probation and Parole Association, so
really a wide range group of organizations.

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

So the bill provides, as I said, many opportunities
to help ensure access to education for juvenile justice-
involved youth by emphasizing, in particular, smooth
transitions from community school districts to actual
correctional facilities and then back to the community.
State, in particular, who are receiving Title I, Part D,
funds must ensure increased coordination between correctional
facilities and school districts and protections in the new
law to ensure this will include a wide range of things:
Educational assessments for young people when they enter
juvenile justice facilities, when practicable; records
transfers so that records transfer with young people to the
facility; reentry planning to ensure that a youth's education
is not interrupted; timely and appropriate reenrollment so that we know that they are going to education programs or career in technical training programs that best meet their needs; credit transfers so that credits earned while in custody are recognized by schools in the community; and emphasis on high school diplomas, so that state agencies and correctional facilities must really assist youth in attaining these traditional high school diplomas; and also a new emphasis on dual status youth so young people, both in the foster care child welfare and juvenile justice systems. And so for the first time states must keep records of youth who are involved in both of these systems and in its educational institutions and actually allow for the use of funds to provide targeted services for those dual status youth, which is a very important change.

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

First, we want to ensure that students are not put into alternative schools unnecessarily under a blanket argument that such school is an appropriate reentry program that best meets the needs of the student. This is something that jurisdictions have done for a long time in many places.
And this practice creates what we call a dumping ground for many young people and does not really increase their opportunity for success, but in fact may increase their opportunity for dropout.

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

DOEd, we really encourage you to review and align your December 2014 guidance on correctional and reentry education for youth in the juvenile justice system that you co-released with the Department of Education and review and align it with ESSA and then think about the dissemination, education, and enticement and enforcement activities needed to really follow up on what has been done already, to make sure that the memos of law, as well as best practices that were very detailed and documented in that guidance, are actually implemented at the state and local level nationwide.
And then finally, during implementation we encourage you to have continued collaboration between Department of Education, Department of Justice, Department of Labor, Health and Human Services, et cetera. Students and children are multifaceted and not siloed. And so we can't treat their life and their education as siloed either. So we encourage this type of cross collaboration between the agencies. We have been really pleased to see it already.

So thank you so much. Again, we will be submitting comments for the record. But we really appreciate you having this forum today. Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is supposed to be Kathryn Young from the Education Council, but I believe she also is unable to join us this afternoon. Just checking that she is not in the audience.

(No response.)

MR. ROONEY: Okay. So we will move to the next, who is Kathy Beery. Is Ms. Berry here today?

(No response.)

MR. ROONEY: Okay. Then we will move on to the next person, Katherine Burdick from the Juvenile Law Center

Katherine Burdick

Juvenile Law Center

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

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

To pick up on comments from my colleagues earlier, spoken earlier today, and that you also hear this afternoon, we are thrilled that ESSA includes provisions to help children in foster care and the juvenile justice system. Also, I will say that although we don't work directly on
issues of homelessness, youth in the foster care and juvenile
justice systems cycle in and out of homelessness on a regular
basis. And we are grateful for the attention to that issue
in the ESSA, as well.

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

ESSA makes significant progress to help these
youth. When youth are removed from their homes due to
juvenile justice involvement, ESSA recognizes the need for
high quality education, not just when they are in placement
but upon return to the community. When youth are removed
from their homes due to abuse, abandonment, or neglect, and
put in a foster home or other placement, ESSA recognizes the
critical importance of allowing them to remain in the same
school or make a smooth move to a new school, if that's what
best for them, including as they move from one foster home to
another. ESSA also recognizes the need to track graduation
rates and achievement of students in care so we can measure
progress over time and put effective interventions into
place.
The Department of Education must act swiftly and comprehensively to ensure meaningful implementation of these new provisions. I have three specific suggestions. And my colleagues and I would be happy to be a resource to the Department on this issue moving forward.

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

Second, there is much work to be done beyond regulations and guidance, including highlighting models from the jurisdictions that were already effectively supporting court-involved youth before at ESSA, providing technical assistance on implementation to specific jurisdictions and...
discretionary grants so districts have the resources they
need for implementation, devoting needed resources to
continue to help jurisdictions implement the December 2016,
sorry, December 2014 correctional education guidance package.

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

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

In closing, I again urge you not to forget about
the youth in the foster care and juvenile justice systems
when rolling out the many regulations and other
implementation efforts ESSA requires. They are some of our most educationally at risk students, and their needs must be prioritized. They are resilient young people who want to learn, and with the right supports they can excel.

Thank you.

MS. ROONEY: Thank you.

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

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

Kelly Vaillancourt Strobach
National Association of School Psychologists

MS. STROBACH: Good afternoon. I am Kelly Vaillancourt Strobach. I am the Director of Government Relations from the National Association of School Psychologists. And I thank you guys for the opportunity to provide feedback regarding the Every Student Succeeds Act. We will be providing more detailed recommendations in our
written comments that we will submit through the online process.

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

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

School psychologists have specific expertise in
these areas, and we look forward to working with the Department, as well as states, districts, and individual schools to help them implement and scale up these comprehensive learning systems for all students.

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

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

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

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

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

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

It is important that the Department allow
flexibility for states and districts to design new and
innovative systems, but it is imperative that appropriate
parameters are set to ensure that accountability systems and
school improvement plans address the needs of all students, especially those who are typically left behind, including students with disabilities, students in poverty, and racial and ethnic minorities.

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

Although the term specialized instructional support personnel has been included in previously introduced
legislation and has been a part of the education jargon for some time, ESSA marks the first time that this term has been codified into law. Therefore, we urge the Department to issue guidance and technical assistance and materials regarding effective utilization of specialized instructional support personnel and services.

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

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

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

(No response.)

MR. ROONEY: Go back and look to see if Kathy Beery
has come into the room since we called her name earlier.

(No response.)

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

(No response)

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

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

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

(Whereupon, a brief recess was taken.)

*Welcome and Overview*

*by Ann Whalen*

MS. WHALEN: Good afternoon, everybody. Welcome back. If everybody can take their seats, we will go ahead and get started. I am not going to do the full overview but just want to do a few updates for people who are new to the room.

So my name is Ann Whalen. I am Senior Advisor to the Secretary, Delegated the Duties and Functions of the Assistant Secretary for Elementary and Secondary Education. I am really pleased to have you all here today and look forward to your comments and feedback.

Just as quick reminder, the Department is soliciting advice and recommendations regarding regulations and guidance needed to implement programs under Title I of ESSA, both in person and electronically. This provides stakeholders with an opportunity to identify areas that could particularly benefit from regulations and provide specific feedback on what those regulations should establish and require.

As part of this process, we are accepting electronic comments through the Federal E-rule-making portal,
as described in the Federal Register Notice published on December 22, 2015, as well as written comments via postal mail, commercial delivery, or hand delivery. We strongly encourage everyone participating in today's meeting to also submit comments through our comment process. You may submit comments on or before January 21, 2016. Again, the deadline for us receiving comments is January 21, 2016.

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

As a reminder, the purpose of these hearings and comment period is for us to listen and learn. Therefore, we
will not be at this time providing individual or general responses or reflections to the testimony made today. We will use this thoughtful feedback to inform our work as we implement the new law moving forward.

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

**Logistics and Plan for the Day**

*by Patrick Rooney*

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

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

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

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

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

And as a reminder, the event is being live streamed. So any member of the public may watch and listen to your remarks. We will be making information about this meeting publicly available on our website, including the
names and the organizations or affiliations from all of our
speakers. And we will post a transcript on our website that
will probably take a few days until we have that up on our
website. And it is possible any of your submitted comments,
if you provide them to us, may also be made publicly
available.

So again, please don't hesitate to ask any of our
colleagues here in the room. There are several Department
colleagues who have name badges on with, I think, blue
ribbons. And our contractors who are helping us with
organization of the meeting today have name tags with, I
think, purple ribbons. Please ask them any questions that
you need answers to.

And with that, we will go ahead and get started.
And the first speaker is Harold Jordan from the ACLU of
Pennsylvania.

Harold Jordan

ACLU of Pennsylvania

MR. JORDAN: Good afternoon, folks. I am Harold
Jordan, Senior Policy Advocate with the ACLU of Pennsylvania.
I am also a member of the Coordinating Committee of the
Dignity in Schools Campaign, which is a national coalition of
100 organization working to end the school-to-prison
pipeline.

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

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

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

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

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

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

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

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

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

Our concerns grow in part out of what we have seen in Pennsylvania where, unlike a lot of other states, there has been a requirement that districts turn in school discipline data since 1997. But the purpose of the requirement was to make sure that kids were being punished for certain acts of misconduct and not to look overall at how
discipline was being administered. So it was only eight
years into the data process that you actually had overall
figures for suspension rates, which indeed show that
suspensions are mostly used not for serious acts or reported
acts of misconduct. So it is very important that the
Department use its experience in this area to help states
understand these issues and how they can be monitored
effectively and challenged.

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

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Maura McInerney from the Education Law
Center.

Maura McInerney

Education Law Center

MS. McINERNEY: Thank you very much for this
opportunity to speak today, to address the Every Student
Succeeds Act and the opportunities that it creates for all of
us to improve educational outcomes for our most vulnerable
children. My name is Maura McInerney, and I am senior
attorney at the Education Law Center in Pennsylvania. We are
statewide, nonprofit public interest law firm that advocates
on behalf of educationally at risk children. That includes
children with disabilities, those in foster care and in
juvenile justice system, children who are English language
learners, and children living in poverty.

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

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

We are very thrilled that ESSA has now ensured
school stability for these very vulnerable children and also
supports immediate enrollment and the prompt transfer of
records for those who change schools. However, to make school stability a reality for these children, we need the Department to undertake significant guidance and to issue regulations on the following topics.

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

With regard to children in juvenile justice system, we know again from our work on the ground, as well as our national work, that it is so critical that these students do
not lose ground, which they so often do when placed in a juvenile justice facility that provides an inadequate education and that they are denied equal access to a quality education upon their return to school.

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

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

And finally, turning to school climate, we are pleased that ESSA recognizes school climate as one of the indicators states can choose to measure school quality and
success, because it is in fact a very key indicator. We know from our experience that students who are pushed out due to overly punitive disciplinary practices, including suspensions and expulsions or being placed in inferior educational programs, are far more likely to drop out of school and far more likely to be retained in grade, and that it impacts their entire life outcome.

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

We ask that for states that include school climate as one of the optional indicators, that you identify appropriate metrics, you clarify that state's plan to improve school climate must be sufficiently detailed, promote positive and inclusive school climates, and proactively respond to the school discipline disparities that are shown...
in reported data that is accurate.

Finally, we ask that you provide a clear definition in regulation of what constitutes the overuse of discipline practices that remove students from the classroom and specifically address aversive behavioral interventions and what that means.

We also ask that you issue school climate guidance that highlights effective preventive programs and trainings that trauma informed, culturally competent, positive classroom management, and offer targeted discretionary grants to support these vital programs.

In closing, I thank you for this opportunity. And we would welcome the opportunity to work with the Department to support effective implementation of ESSA's provisions to advance educational opportunities for children in foster care, those in the juvenile justice system, and to promote truly positive school climate.

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next we will hear from Tim Boals from WIDA at the Wisconsin Center for Education Research.

Tim Boals

WIDA at the Wisconsin Center for Education Research

MR. BOALS: Hi. I am Tim Boals, Founder and

Audio Associates
(301) 577-5882
Director of WIDA, an English language learner consortium of 38 state education agencies located the University of Wisconsin Madison. I am speaking today in my capacity as WIDA director and ELL researcher, not on behalf of the states we serve.

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

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

I endorse ESSA's requirement for challenging standards in core domains, in English and for English language proficiency. Additionally, I urge the Department to support the use of language development standards in additional languages to guide English language learners'
instruction and assessment when the partner language is the medium of instruction. As a result, we can more effectively educate ELLs so that they are college and career ready and our Nation is prepared for the global challenges and opportunities of this century.

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

Now for troubling provisions, as I see it. I am concerned that there is no accountability for language development or attainment for ELLs from graduates K through 2, which account for over 40 percent of ELLS throughout the Nation. I urge the Department to issue guidance that stresses the importance of quality programs in the early grades that promote academic language development and culturally and linguistically relevant pedagogy, thus laying a strong foundation for academic success.
Accountability for ELLs under ESSA appears to have shifted from districts to schools. Most schools have too few ELLs to meet minimum N-sizes, which could lead to ELLs disappearing from view in accountability systems. Guidance should encourage states to encourage LEAs to keep track of ELL progress and maintain documentation on the performance of former ELLs for four years post-being reclassified to ensure stability and more valid achievement of the subgroup.

Thank you for this opportunity to speak today and for all that you do in supporting our Nation's growing population of culturally and linguistically diverse English language learners.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Randi Weingarten from the American Federation of Teachers.

Randi Weingarten

American Federation of Teachers

MS. WEINGARTEN: Thank you very much. My apologies for my cold. Thank you for holding these hearings and for allowing me to speak on behalf of the 1.6 million members of the AFT to discuss the Department's role in the implementation of ESSA. I know that several members have already spoken, and I love when rank and file folk are here, actually really making sure that people understand what is
going on in schools.

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

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

Educators are closely watching what is happening with ESSA. Frankly, shortly after the law passed in December, the AFT held a nationwide conference call for our members. And although it was right before the holidays at the end of a workday, we had over 172,000 educators who joined that call. There is great hope that ESSA will turn the page on the failed No Child Left Behind policies.
But after the call, we conducted a follow-up poll. And we asked: What is your biggest fear about the new law? We asked some positive things, as well. And the number one response was that nothing would change, that schools would not get the adequate resources and supports and would continue business as usual.

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

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

So two or three more quick things. Assessments should be used to help improve schools and inform instruction, not arbitrarily measuring them. School accountability should be based on a number of reasonable factors that align with the needs of students. Teacher
evaluation should be used to grow and strengthen the profession, not sort and punish. And there needs to be more time for teaching and learning in schools.

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

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

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

Thank you very much.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

(No response.)

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

Denise Marshall

Council of Parent Attorneys and Advocates

MS. MARSHALL: Where is the little indicator?

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

MS. MARSHALL: Oh, okay. Great, Thank you for this opportunity to speak today. I am Denise Marshall, Executive Director of the Council of Parent Attorneys and Advocates. COPAA is a national
nonprofit who works to protect the civil and legal rights of
students with disabilities and their families. And we work
to secure excellence in education on behalf of the 6.4
million children with disabilities in our Nation's public
schools.

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

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

Students who are eligible for special education are
general education students first and with the right
resources, services, and supports can learn to read and can
learn to master math and learn to master a lot of different
kinds of subjects, but they have remain in school to be able
to do that. So I want to echo the comments of our friends in
the Dignity in Schools Campaign and the Education Law Center
to say that we have got to pay attention to the school
climate issue. We have got to make sure that the data that's being reported is accurate and that there is action taken about that data.

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

Also, Title I is about closing achieving gaps. Again, there is no purpose to test if we are not going to do something about it and quickly, while the student is still in the grades or at least in the level of school that they are in. We want to make sure that regulations define new terms, outline realistic and meaningful timing and implementation expectations with those safeguards to provide all the necessary parameters to assure that students who are underperforming receive the targeted intervention they need.
For assessment, you must update the one-percent regulation on the alternate assessment to make sure that the statute caps the actual number of students with the most significant cognitive disabilities by subject at one percent of those students.

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

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

Lastly, I want to address the Pay for Success programs. This is something we are very concerned about. Regulations must specify that states are prohibited from implementing these pay for success programs in a way that conflicts with rights and with the current statutes. We
cannot incentivize districts for failing to serve our kids.

In conclusion, this Administration has made great progress in supporting the alignment of general education and special education law, policies, technical assistance, and funding. I urge you to continue in this vein. The new law must help target every available resource on closing achievement gaps for students and assure school systems are inclusive and supportive of every child so they can meet the challenging state standard, achieve post-secondary success, learn, and grow.

Thank you very much.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Miles Sandler from the National League of Cities. Is Mr. Sandler here?

(No response.)

MR. ROONEY: Okay. The next is Joyce Parker from the Citizens for a Better Greenville.

Joyce Parker

Citizens for a Better Greenville

MS. PARKER: Good afternoon. I want to say thank you, also, for this opportunity. I think you all are modeling what it is going to take for this bill to do what it needs to do, regardless of the intent of it. And I think the intent is that every student succeeds. I know when No Child
Left Behind came out, parents started telling me later on, maybe two years, three years, four years, even as late as these years now that children are being left behind. We don't want this bill to be one, though, saying that every child succeeds at, and most of our children don't.

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

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

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

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

So we are asking you to make some recommendations in terms of how this can work and talk about using the language of focus groups. Use the language of retreats, of summits, that include community members. Just like we are here today, this has been amazing. But guess what? We have been here all day, and look how much we have learned. So
none of us could have done this in five minutes. And a lot
of times that is all we have on the school board agenda or
that is all we have in an advisory meeting. Or someone said
about making it convenient for parents and students to be
there.

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

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

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

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

Our superintendent just came in. He works with us. We are in meetings with him, with parents. We know as much about the law as anyone else. Because like I said, I didn't know what was going on when I first started this work. Everything I know now is because spaces were opened up. Meetings and trainings were opened up. You have to do that. There is nothing wrong with you all saying: Hey, look, if you want a model that works, then this is what you do. Because I think we are talking about tomatoes and tomatoes when we say strengthening and supporting versus, what
prescribed and dictate. If we are expecting certain things, we have to be willing to what? Inspect it.

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

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

And all we are saying to you is that you have something that works. This law will work if we work it. And you have people that say they will volunteer to help you.

There are foundations out there that fund a lot of our organizations, but they fund education work, too. So when you need money to say, hey, look, we need to bring some people together, talk to us. Let's figure out if these foundations will say you all have a change in policy, yes, but we need your help. We have folks that want to change
policies, but they don't have the resources to do it. We need to help them.

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

(Laughter)

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

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

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

Thank you.

MR. ROONEY: Thank you.

(Applause)

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

**Darren Cambridge**

**National Council of Teachers of English**

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

(Laughter)

MR. CAMBRIDGE: My name is Darren Cambridge, and I am the Director of Policy Research and Development at the National Council of Teachers of English. NCTE is the Nation's oldest and broadest organization focused on literacy and English studies. Our members range from early childhood teachers to university faculty and include both classroom teachers and researchers. Many are experts on designing and evaluating assessments that improve instruction. And all have important classroom experiences with what assessment can do to support performance. So while we are going to submit written, more broader comments, we will focus on assessment...
Drawing on this body of expertise, NCTE offers the Department five recommendations on ESSA title regulations related to assessment. First, ED should require states to include teachers and principals as core members of teams that develop their state assessment plans. Asking them for feedback on plans that have already been created is not sufficient. Creating assessment systems that are fair to all students and that have the potential to contribute to student achievement, as well as measure it, must be guided by practitioner knowledge from the very beginning.

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

Second, ED should require that states document how the design of their assessment and accountability systems is grounded in the best research on assessment of the specific skills being assessed. For example, beyond the generalized body of research about educational measurement, scholars, including teacher researchers and university faculty outside of the field of education, have produced a significant body of evidence on how to most fairly and productively assess reading, writing, speaking, and listening. These are all key
components to English language arts, but each poses its own distinctive challenges for effective assessment.

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

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

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

Fourth, ED should hold states accountability for
providing sufficient guidance, resources, and technical assistance to effectively implement assessment systems at the local level. Currently the capacity of state education agencies to provide such support is widely varied and lacking in many states. Robust state support is particularly crucial in states granted authority to implement assessments at the local level. Local innovation as the potential to dramatically improve assessment, if it is grounded in research, integrally involves teachers and principals and other stakeholders in design, and is adequately funded.

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

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

Thank you for this opportunity to share NCT's
recommendations. We look forward to continuing to be part of the conversation about implementation of ESSA.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

Kathy Lally
Communities in Schools, Inc.

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

Communities in Schools is the Nation's largest and most effective dropout prevention organization. Operating in more than 2,400 schools in the most challenged communities of 25 states and the District of Columbia, Communities in Schools serves nearly 1.5 million young people and their families each year. Communities in Schools' unique model positions site coordinators inside schools to meet the needs of the whole child by assessing their needs and providing
them with the resources that will help them stay in school
and succeed in life.

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

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

Our first recommendation, ESSA explicitly allows
states and districts to use Title I dollars on integrated
student supports and other evidence-based strategies.

Previous iterations of the Elementary and Secondary Education
Act lacked clarification with regard to Title I and student supports, creating conflicting interpretations that discourage local and state education agencies to use Title I dollars for integrated student support activities.

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

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

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

On behalf of the 200 local and state CIS organizations, the 1.5 million students that we serve, and
the 9 million additional students in poverty who will benefit from these modifications in ESSA, thank you so much for the opportunity to comment and consider our two very clear recommendations.

Thanks so much.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next we have Melissa Tomlinson.

Melissa Tomlinson

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

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

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

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

This is why I am urging for guidance to be
developed that provides pathways for LEAs to build,
strengthen, and sustain partnerships on local levels with
other agencies that collaborate to create a comprehensive, wrap-around system of services that benefit not only the child but also the family and the community. I ask for provisions of transparency and funding be put into place, as I see thousands of dollars funneled into schools only to be used for consultants and products, while the children see merely a trickle of the funds.

Lastly, I ask that you remember that who we are truly here for is the children and not the corporations. I encourage devotion of time towards truly considering what educators and parents are telling you and how their needs can be met.

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Next is Irene Holtzman from Focus D.C.

Irene Holtzman
Focus DC

MS. HOLTZMAN: Good afternoon. Thank you for the opportunity to comment on the future regulations of Every Student Succeeds Act of 2015. My name is Irene Holtzman, and I am the Executive Director of Friends of Choice in Urban Schools, a nonprofit that provides support to public charter schools in Washington, D.C. Prior to Focus, I was a traditional public school teacher, a teacher in a public charter school, and a central office administrator for a
successful charter network here in our Nation's Capital.

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

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

In thinking about regulations that will assist states in meaningfully implementing the provisions of ESSA, it is important that the Department carefully consider the interaction of federal law with state charter law. The success of public charter schools in Washington, D.C., is partially due to its congressionally enacted charter law, the
School Reform Act of 1995. Its principles of autonomy and equity shouldn't be abridged by any regulations. In particular, our authorizer, the Public Charter School Board, is widely considered to be one of the strongest authorizers in the country due in no small part to its independent nature.

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

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

In addition, the inclusion of a fifth indicator of school quality and student success beyond achievement in high school graduation is helpful, but not if it detracts from instructional time or puts additional work on already overburdened teachers. Regulations should encourage the measurement of already existing efforts, as opposed to burdensome systems that detract from the most important work of educators.
Thank you for the opportunity to comment. We will follow up with more detailed written comments at a later time.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

I believe the next person, Megan Wolfe from ASCD, is not here. I just want to double check before we move to the next person.

(No response.)

MR. ROONEY: Okay. Next is Edgar Cahn from TimeBanks USA.

(No response.)

MR. ROONEY: All right. It looks like Mr. Banks is not here, or Mr. Cahn is not here. Sorry. So the next will be Sarah Davis.

Sarah Davis

MS. DAVIS: Good afternoon. Thank you for the opportunity to participate in this legislative process. I am a parent. I have five children. My husband is active duty in the military and has served in Afghanistan and Iraq and in Pakistan. Of our five children, four are children with disabilities, including cerebral palsy, autism, ADHD, vision impairments, and other disabilities.

I am also a member of SECAC, which is the Special Education Citizens Advisory Council for Anne Arundel County.
And in my experience, in our family's military -- let me start again. Our family's military service has allowed me to advocate for my children across multiple states and to discover that academic expectations and the allowed level of parent involvement varies greatly from state to state and from local school to local school.

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

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

Fundamentally I believe my disabled children are entitled to receive equal educational opportunity and benefit from their public education as my non-disabled children and to be held to the same high academic standards as their non-disabled peers. This is not the education offered by the school, a fundamental disagreement in our educational belief.
perpetuating the ongoing tension in the parent-school relationship broadly experienced by parents of students with disabilities, including myself.

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

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

We urge regulators to use all authority to ensure meaningful progress is realized towards closing the achieving gap for at-risk children like mine by providing clear regulatory guidance for the definition of underperforming, specifying time frames for necessary intervention action when subgroups of students are not achieving to ensure students
like mine do not experience multi-year delays in their educational progress, as is currently the norm in special education, mandating students with disabilities be assessed at their enrolled grade level and continuing that from No Child Left Behind, and taking the critical step of regulating statistically sound best practice standards and establishing the minimum number of students, or also known as N-size, to be included in the state accountability system to ensure states provide meaningful accountability data, and all schools are held accountable for all student progress.

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

Above all, we urge regulators to use all authority to regulate and ensure meaningful and equitable parental
involvement across all states, within all school districts, and in every local school, including parents at every level of the educational planning and implementation process. We are a necessary voice in our children's education and a voice that is too often sidelined in deference to educational expertise, but the educational experts lack the expertise regarding our individual children and lack the high expectations that parents hold for their children.

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

Thank you very much.

(Applause)

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

(No response.)

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

And before Mr. Rome starts, I just want to remind everyone that we are getting close to the end of the list. So if anyone who has not spoken who would like an opportunity...
to speak, please sign at the registration desk so we can make
sure we have your names. And we will call you up, because it
looks like we will have some time.

Go ahead, Mr. Rome.

Narric Rome

Americans for the Arts

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

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

We see about a dozen places in the legislation, in
the ESSA legislation, where the arts have been addressed.
And in some cases there is progress being made in these provisions. For years, arts educators have had to combat the unintended consequences of No Child Left Behind's adequately yearly progress and testing. And our hope is that we have turned the corner on those problems.

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

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

As arts education advocates recognize, and I am sure you do as well, that providing a curricular subject like
the arts in a school and district is obviously a local education decision. But resourcing it through Title I, providing clear eligibility for it to serve as a solution for states and local education agencies to use, is a federal responsibility. Your new Title I guidance should make an explicit statement that the arts are an eligible use of Title I funds and can help to achieve Title I goals.

Not only have previous secretaries made similar points, but the Department's arts education program, newly reauthorized in this legislation, has provided over $400 million in federal support over a decade showing just that, that arts education can help schools achieve their Title I goals. And that is evidence-based.

The casemaking for this point is even clearer at schools identified as within the lowest performing five percent. The new ESSA law has shifted the federal support for school improvement programs into Title I. And states will be taking on the responsibility for addressing those schools.

Now let me tell you a little bit about the turnaround arts program. It is a public-private partnership led by the President's Committee on the Arts and Humanities in partnership with the White House, the U.S. Department of Education, and several private foundations. And it is managed by Americans for the Arts.
Turnaround arts works in 27 school districts in 15 states and has a cohort of the lowest performing five percent of America's elementary and middle schools. A three-year program evaluation of turnaround arts pilot schools found significant improvement in academic achievement, reduction in disciplinary referrals, and increases in attendance among their findings. And in addition, the study also found that turnaround arts schools outperformed comparable schools in their city or state that also receive federal funds for school improvement, the SIG schools. We are talking about 22-percent better scores in math and 13-percent better scores in reading and language arts.

And as I reach the end of my five minutes, I thank you for this opportunity to share this feedback with you and look forward to the continued communications on how the Department's work ahead can also support arts education nationally and allow states and school districts to support the arts through Title I.

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: All right. Abby Ayoub from the Optical Academy.

(No response.)

MR. ROONEY: Let me go back through the people I called earlier just to make sure they didn't come in and miss
their turn. Drew Franklin?

(No response.)

MR. ROONEY: Edgar Cahn?

(No response.)

MR. ROONEY: Melanie Mendonca?

(No response.)

MR. ROONEY: Okay. Do we have any -- okay.

So this is will be our last call if anyone else
would like to take five minutes to talk to us about your
thoughts or suggestions for us. We are happy to have a last
final call for anyone.

(No response.)

MS. WHALEN: Hearing none, let me take this

opportunity to thank everybody both here in person and on the
live stream for your attention today. For those who came in
person, we really appreciate your thoughts, your feedback,
and your priorities. They were extremely valuable. And it
was a great pleasure to be able to participate in today's
meeting with you guys today.

A couple of reminders, today's transcript, as well
as the list of all public speakers and their associations,
will be available on our website. We are receiving and
encourage you to submit public comments by January 21, 2016.
And that is through the Federal E-rule-making website within
the Federal Register. I believe the actual website is
www.regulations.gov. And you can get to the E-rule-making portal from that place.

Also, for those of you on live stream, if today's meeting was so exciting you have to be there in person in L.A., please register by tomorrow, January 12, 2016. And you can do so by registering, my e-mailing essa.publichearing@ed.gov. Again, you can register by tomorrow, and that meeting will be held on January 19, 2016, in Los Angeles.

Thank you guys all for your time. And we really appreciate all you are doing on behalf of the students of America. Thank you so much.

(Appplause)

(Whereupon, the meeting adjourned at 3:58 p.m.)
CERTIFICATE

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
Lisa Burns             Reporter

Gail Williams          1/27/2016
Gail Williams          Date
Gail Williams          Certified Transcriber

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