Every Student Succeeds Act (ESSA)
A Public Input Meeting

Tuesday
January 19, 2016

Sponsored by the
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Washington, D.C.

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

Audio Associates
(301) 577-5882
ESSA Public Input Meeting
January 19, 2016

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"---" Indicates inaudible in transcript.

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Welcome

by Janina Montero

MS. MONTERO: Good morning. Good morning, my name is Janina Montero. I am the Vice Chancellor for Student Affairs at UCLA. And on behalf of the UCLA community it is my honor to open this meeting and to welcome the U.S. Department of Education to our campus.

We are happy and privileged to host one of the Department’s public meetings to gather public comment on the best ways to transition to the new Federal P-12 Law, Every Student Succeeds Act.

There are many reasons why we are so pleased to be a destination for this important national conversation on the education and success of all children. As a public institution blessed with excellent academic programs and cutting edge research we are especially proud of the diversity of our student body and the excellence that diversity brings to the academic life of the campus and to the civic health of our nation.

Our interest in broad and sustained access to educational rigor is passionate and unwavering. But there are also two very immediate reasons for our interest and attention to this meeting.
First, at UCLA we have extraordinary faculty devoted to the study and practice of urban education, student testing and assessment, teacher continuing education and development. We are proud to be a leader in key areas of this law and therefore to be a partner to the Federal Government in the steadfast commitment to provide all children with access to excellent educational environments and to the opportunity to succeed.

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

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

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

Welcome and best wishes for a very productive meeting!

Thank you very much. Have a great day!
Welcome and Overview

by Ann Whalen

MS. WHALEN: Good morning, everybody. Thank you very much, Dr. Montero. We really appreciate UCLA’s hosting this wonderful event and appreciate your hospitality.

For those on the live web stream we apologize for starting a few minutes late, we were having some technical difficulties. But hopefully we are ready to go now and can hear us all across the nation and the world about these great ideas and priorities.

I am Ann Whalen. I am the Senior Advisor to the Secretary, delegated the duties and functions of the Assistant Secretary for the Elementary and Secondary Education. And I am pleased to welcome everybody here today.

Let me introduce you to just a few people in the room today to support you. My colleague, Patrick Rooney from the Office of State Support. And you will also see many people from our contractor Synergy as well as Deborah Spitz, all have blue ribbons or ribbons on their name tags. So if you have any questions or concerns throughout the day please don’t hesitate to ask them.

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

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

As you know, President Obama signed ESSA into law on December 10, 2015, reauthorizing the Elementary and Secondary Education Act of 1965. This is a bipartisan law which will replace No Child Left Behind Act of 2001. This is good news for our nation, 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 in recent years 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 our lowest performing schools and schools with low graduation rates. It also empowers state 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 or via postal mail. 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 electronic comment process. You may submit comments on or before January 21, 2016. Please visit www.ed.gov/ESSA for additional information and instructions on how to submit comments.

In addition to this meeting we also had a regional meeting to solicit advice and recommendations from stakeholders in Washington, D.C. on January 11th. 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 at these meetings should be focused on these issues, please.

As a reminder, the purpose of these hearings and commentary is for us to listen and learn from you. 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 very much look forward to your comments and input.

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

**Logistics and Plan for the Day**

*by Patrick Rooney*

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

So I will give you some logistics and again, if you have any questions during the day, the registration table
outside or any of our colleagues that have the name badges
with the little ribbons will be available to answer any other
questions that you may have.

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

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

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

We ask that you follow along with the agenda so you
can see about when you will be coming up next on the list and
you will have a good sense of when you will be called. When
we call your name please come up here and then speak so that
way we can capture you on the live stream so everyone
watching at home can see and hear your comments.
Each speaker will be allowed five minutes to share his or her comments. And given that we have a large number of people interested we ask that you respect the time limit in order to ensure that others have the opportunity to speak. There is a timer here which will count down your five minutes. It will start with green, when you have a minute left it will turn to yellow, and then when your time is up it will turn to red. So it will give you a sense of how much time you have left.

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

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

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

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

Again, please if you have any questions do not hesitate to ask any of my colleagues at the registration table or sitting in the room. And with that we can start. And the first speaker is Superintendent Tom Torlakson from the California State Department of Education.

Tom Torlakson

State Superintendent of Public Instruction

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

I am also Superintendent of the Schools for California and Public Instruction, overseeing the K-12 system and some preschool. But I am also Regent in the UC System. It is no coincidence I wore gold and blue today. There are bears here and there are also bears up north in the Bay Area. And so delighted to be here. There are five of us, a delegation of five of us who are going to share our thoughts on ESSA. I am so pleased that you are having these hearings and we have an opportunity to have a discussion about ESSA.

All states have great interest in ESSA. As the most populous state, California has an especially keen
interest. California has 6.2 million students, 300,000 teachers, more than 10,000 public schools, and more than 1,000 school districts.

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

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

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

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

California is in the midst of an exciting time. Dramatic changes in our education system, all of them designed to better prepare our students for the challenges...
and opportunities of 21st century careers and college.

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

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

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

It’s the same thing when it comes to evaluating schools and districts. To continue enacting and developing these changes California needs ESSA to give us flexibility and discretion. Regulations from ESSA should allow states to assess progress toward their own long-term goals. Regulation
should allow states to target districts for additional help and not just schools. Regulations should not assume that the assessment of the lowest performing is based only or largely on test scores.

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

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

Thank you very much.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

Gary Orfield

Civil Rights Project, UCLA

MR. ORFIELD: “If men were angels,” James Madison wrote in Federalist No. 51 when the U.S. Constitution was being debated “no government would be necessary”. If all the states, school districts, private contractors, charter operators had the capacity, will, and expertise to carry out
the extremely demanding tasks that they are assigned under this law, the federal government could retire from the field. While most maybe honest and serious in pursuing public goals, others will play political games, will not have the expertise to select strategies that actually work, and our history is full of examples of state and private violations of rights and practices that reinforce inequality rather than generate progress and more equal opportunity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The last point is capacity. We studied six states
when No Child Left Behind was implemented and we have written a lot about capacity of states. The states don’t have the capacity to do a lot of the things they are required to do under this law. Big states like California with powerful agencies have much more than others, but many have virtually no research capacity or evaluation capacity. They need help. And when the Elementary and Secondary Education Act was passed it had a whole title to reinforce and develop state departments of education. We need to think about ways to increase the capacity of the state departments to do the things they want.

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

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

Because we are coming up in a very critical period of development of plans, but nobody knew that they were going to have to develop, before last month, and most states don’t have all the resources they need to develop these things.
Finally, we need to define lots of terms in this act. For example, our project has done a create deal of research on dropouts. And we are concerned that the new law says for graduation rates kids who transfer to a prison or a juvenile justice system will leave the graduation rate cohort. Since “transfer to” is not defined, we would only make sure that there is no incentive to arrest or push more kids into our failing juvenile justice system in order to make the school outcomes look better.

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

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

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Thomas Saenz from MALDEF.

(Pause.)

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

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

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

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

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

Many of the important aspects of ESSA are consistent of the work that LAUSD in California have already
been doing. California is in the process of creating a new accountability system that looks at multiple measures in both assessing students and assessing schools instead of relying on one high stakes score.

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

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

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

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

In the little over a moment I have left I just want
to say that we have learned through No Child Left Behind that we can’t test and punish our way to equity. We don’t advocate for flexibility for flexibility sake, for political expedience, or because we are afraid to accountability. We advocate for flexibility and authentically and organically grown solutions because they work.

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

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

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

As I conclude, I urge us to remember what I learned long ago. Teaching is listening, leading is listening, and indeed good governing can be listening too. As the
Department writes these guidelines I hope that the Department continues to listen, especially to teachers, students, parents, and those who will be most affected by this law.

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

Ilene Strauss

California State Board of Education

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

The implementation of Every Student Succeeds Act is among one of our most important ongoing discussions. Flexibility is paramount to states like California. It is already far along in redesigning our accountability system.

Our goal in California is to ensure options are available to us as our new accountability system evolves.
California’s investment in education is significant. The investment of State funds in education is expected to grow to $71.6 billion in 2016/17. With an additional $7 billion in federal dollars which is 10 percent of our State’s investment.

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

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

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

The new system focuses on ensuring greater resources for programs and services for students with the greatest need. California’s new system does not focus totally on test scores. Instead it requires schools and
districts to set goals and allocate spending resources
according to State and local priorities.

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

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

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

A headline last week read “California’s
accountability plan may prove a model to the nation”. We
could not agree more.

As guidance is provided and the required components
of ESSA evolve through the regulatory process we recommend
the following. Regulation should avoid specifying any
particular metric or approach to measurements of progress and
should allow for states to assess progress toward their long-term goals in any manner they choose. Continuous improvement should be supported as an approach.

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

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

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

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

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

And Regulations should allow for states to use scale scores that measure performance and improvement for the
full range of students rather than a single cut score such as that previously labeled “percent proficient”.

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

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

Thank you very much.

MR. ROONEY: Thank you.

MS. WHALEN: Thank you.

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

Patricia Rucker
California Teachers Association

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

This process begins in the shadow of years of winning rhetoric and failing substance, heavy-handed test-based accountability polices, and an unfulfilled promise of
no child left behind to close the achievement gap. The reality is there were many gaps not addressed in federal policy which separates successful schools from the rest. A teaching gap, an opportunity gap, a leadership gap, and an expectations gap.

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

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

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

Lesson three, there is a need to balance program monitoring and accountability. ESSA provisions on assessment and accountability are flexible and focus on locally and
state-determined rather than federally imposed rules for accountability. CTA believes Regulatory guidance must allow schools that focus on alternative populations and students who do transfer out from their graduation cohort into alternative programs must have a valid and reliable accountability system that has a way of counting them for purposes of the graduation cohort.

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

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

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

School change must focus on extra support rather than extra penalties.
And finally, lesson six, understanding funding and financing public education. NCLB was an underfunded mandate. No one here questions the 100 percent federal commitment to improving public education. CTA believes there is a direct relationship between increases in education funding and increasing and meeting education goals.

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

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

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

California students deserve a well-rounded education, a full curriculum, the promise of Every Student Succeeds Act is to promise a coherent system of
accountability, innovative state initiatives like the Local Control Accountability Plan, and an alignment with clear federal intent and state innovation grounded in an appropriate context, but centered around state priorities.

Thank you very much.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Patty Scripter from the California State PTA.

**Patty Scripter**

**California State PTA**

MS. SCRIPTER: Good morning, Patty Scripter,

California State PTA.

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

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

We would like to offer the following input:
California State PTA supports a single, coherent accountability system that incorporates the federal requirements of ESSA and builds upon the work currently being done in California to develop an accountability system based on multiple measures that clearly show how students, schools, and districts are doing.

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

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

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

We believe there is congruence between the
accountability measures identified in ESSA and the ones
adopted in California statutes in 2014. We call for
Regulations that allow us to continue to develop our system
of multiple measures that capture the basic conditions of
learning, pupil outcomes and engagement.

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

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

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

We urge the development of Regulations that meet
the federal requirements while allowing states the
flexibility to design overall accountability systems to best
meet the needs of their students, which in California is over
6 million children, and to support communication of key
information to stakeholders with clarity.
Parent and family engagement is one of our organization’s primary concerns and is clearly identified in California Statute as a State priority.

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

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

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

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Delia De la Vara from the National Counsel
Delia De la Vara
National Counsel of La Raza

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

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

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

NCLR is a private, non-profit, non-partisan 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 community-based organizations. Of those nearly half provide some type of educational service and we also have a membership of about 115 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 action. NCLR has invested a great deal of time in helping shape the Every
Student Succeeds Act. And we are working towards building an effective implementation strategy for the Law which we see as a lynchpin for the future of Latino students.

NCLR and its affiliate network worked 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.

NCLR works 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 that the educational policies set in this new law, the regulations and implementation are responsive to the needs of the children it is intended to serve.

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

In California, Latino students are more than half of all school enrollments. English Learners are one in ten students and we have continued to see a steady rise 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 the nearly 12 million
Latino students in U.S. schools and 5 million English Learners in our classrooms. Eighty percent of these students are Spanish speakers.

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

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

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

To begin, the law creates a new definition for the English Learner subgroup. For the purposes of accountability states can include English Learners up to four years after they have been reclassified in the EL subgroup. This can
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. We encourage the Department of Education to desegregate current versus former ELs in the reporting of subgroups.

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

ESSA takes important steps forward to place EL accountability with that of all 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 academic achievement.

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

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

And 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 the 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 information from an accessible source that can help them understand the complicated school system, particularly as it relates to the new requirements in the law.

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 new law. And together we can work to ensure that this law does right by all of our kids.

Thank you.

MS. WHALEN: Thank you.
MR. ROONEY: Thank you.

Next is Candis Bowles from Disability Rights California.

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

Candis Bowles

Disability Rights California

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

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

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

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

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

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

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

One, State Plan Development. We urge the Department to issue guidance on what states should do to ensure adequate stakeholder input as state plans are being developed. Stakeholder input should be meaningful and
ongoing throughout the entire plan development process. States should also ensure that a wide variety of stakeholder groups are included.

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

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

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

Third, State Accountability System. Meaningful inclusion of students with disabilities in state accountability systems is critical to identifying areas of
success and the need for improvement. Disability Rights California is concerned that data collection systems that are structured inaccurately will result in misrepresentation of factors used to determine school quality. 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 incise and data collection system that is inaccurately structured can overlook these problems. Incises must 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 that they need to ensure that data is gathered in a manner that will insure that this balance is maintained. Additionally, the Department should explicitly prohibit the use of super subgroups.

Four, Assessments. The alternative assessments aligned to alternate achievement standards is one of the most important provisions for students with disabilities. We urge the Department to clarify and reinforce the regulation and number of specific provisions, including reinforce the one percent cap on participation of students taking the alternate assessment.
Ensure that participation in the alternate assessment does not preclude a student from obtaining a high school diploma. Emphasize parental notification of the impact of their student participating in the alternate assessment.

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

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

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

Disability Rights California feels strongly that more binding guidance from the Department is critical to
ensuring the reduction of the use of restraint and seclusion.

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

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

Mike Hoa Nguyen

National Commission on Asian American and Pacific Islander Research and Education

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

My name is Mike Hoa Nguyen and I am with the National Commission for Asian Americans and Pacific Islander Research and Education, “CARE”, which is housed here at the Institute for Immigration, Globalization and Education at UCLA’s Graduate School of Education.

The purpose of CARE is to conduct applied research that responds to the exclusion and misrepresentation of Asian
Americans and Pacific Islanders, “AAPIs” in broader discourse on America’s commitment to equity and social justice; to demonstrate the relevance of AAPIs through national education and research and policy priorities; and offer solutions and strategies to inform the work of the constituents such as researchers, policy makers, additional leaders, and advocacy organizations.

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

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

The key factor that contributes the exclusion and misrepresentation of AAPIs is a lack of misaggregated data available to inform a proper understanding of AAPI students. In data that this aggregates information for all AAPIs -- that aggregates information of all AAPIs into a single category, provides a misleading and --- portrait of a very diverse population.
As a result, aggregated data becomes a barrier to policy and program development which would advance the equitable treatment of the AAPI community. Simply put, the need for desegregated data which reveals significant disparities between AAPI subgroups is one of the most important civil rights issues for the Asian American and Pacific Islander community.

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

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

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

However, there is still a lot of room to insure
that data disaggregation is a priority. With this in mind, using negotiated rule-making may be useful when drawing up regulations within Title I that will impact AAPI students and the quality of the data for AAPI students.

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

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

We would like to see this --- further and require a collection of subgroups, in particular for AAPIs, into desegregated ethnicities. Following the way the census collects is a useful model, but expanding the collection beyond census categories to reflect local demographics is very important. Otherwise communities like those who identify as Mayan for example, will be left unrepresented.
Furthermore, other annual assessments and/or test data that is collected and reported should also desegregate for AAPIs. Enacting these steps would work towards equity and parity for all students.

Finally, we encourage you to make technical assistance widely available for both state educational agencies and local educational agencies who wish to desegregate AAPI data and use such data to improve student outcomes, matching the commitment of the Department of Ed to provide such data. We encourage all educational agencies who collect or will collect this data on AAPI students to desegregate.

And lastly, we at the National Commission for AAPI Research, CARE, would like to extend our offer of support and expertise in exploring these issues with the Department of Education if necessary.

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Eloy Ortiz Oakley from the Long Beach Community School District.

**Eloy Ortiz Oakley**

**Long Beach Community School District**

MR. OAKLEY: Good morning.

MR. ROONEY: Morning.
MS. WHALEN: Good morning.

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

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

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

So how do we do that? I think the way we do that is to provide the kind of flexibility that we enjoy in Long Beach. To really create meaningful partnerships so that we blur the lines between high school and college, college and a university education.
So the more that we can encourage states like California to drive those partnerships through the flexibility that we have enjoyed, through the flexibility that Long Beach Unified has enjoyed, not only from the State of California but from the previous Secretary of Education I think the more we can do for our students.

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

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

At Long Beach City College we have learned to trust our teachers in our high schools, not standardized tests. So I think the more that we can encourage you on behalf of the higher education community to write these regulations in a way that encourages states not only to provide flexibility but to build assessment models throughout the K-12 experience.
that gives us meaningful information when they get to higher education, whether that be community college, whether that be a public four-year university, or an R1 like the University of California.

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

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

MR. ROONEY: Thank you.

Next is Ruth Cusick, Public Counsel.

Ruth Cusick
Public Counsel

MS. CUSICK: Good morning. My name is Ruth Cusick and I am an Education Rights Attorney at Public Counsel and here as a member of the Dignity in Schools Campaign. And as an Education Rights Attorney at Public Counsel in our statewide education rights project we have issued a “How to Fix School Discipline Toolkit” where we have partnered with
community organizers and progressive educators across the state to lift up the best practices in school climate transformation.

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

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

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

What we have learned in all of the policy transformation we have done in L.A. and with our partners in
Oakland and other Bay Area school districts is that the work of confronting structural racism and implicit bias is hard work. The work of changing culture in school to support really meaningful family participation. And every opportunity for full development of our young people is very hard work. And we need your department to issue the kind of regulations and real enforcement that supports that change.

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

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

Because if I could drive you down to Watts* right now, you will see that there are children every day sitting in an office not being educated. And that is not going to be documented as a suspension. But you are going to see maybe
10 years from now that that student is not graduating high school.

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

Thank you.

MR. ROONEY: Thank you.

Next is Araceli Sandoval-Gonzalez from Early Edge California.

**Araceli Sandoval-Gonzalez**

**Early Edge California**

MS. SANDOVAL: Good morning. I am Araceli Sandoval, Statewide Field Director with Early Edge California. We are a statewide non-profit organization working to ensure all children have the early experience necessary to be successful learners by the end of third grade setting them on the path to success in school and beyond.
We appreciate the opportunity to submit comments today on the implementation of Title I and the Every Student Succeeds Act.

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

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

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

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

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

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

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

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

And yet we know that we cannot limit our efforts to a focus on kindergarten readiness. Support must continue into kindergarten and through third grade if gains are to be
sustained. This is why the efforts to align expectations on programs and build educator capacity pre-K through grade three are essential.

Here are some specific issues for consideration:

one, the agency plans for assisting school districts and elementary schools in quality early education should be developed with insight and feedback from pre-kindergarten and early childhood educators with experience in building pre-kindergarten through third grade.

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

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

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

The LCAP process brings stakeholders together with district leadership to develop plans for improving student
outcomes on a range of state and local determined priorities. Combining this effort with Title I plans would encourage more comprehensive vision and strategies to use federal and state funding to develop strategies to address achievement gaps and improve student outcomes.

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

Thank you so much for being here today.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Carrie Hahnel from The Education Trust - West.

Carrie Hahnel

The Education Trust - West

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

We have been closely following the design and evolution of California’s statewide accountability system and while we see many things moving in the right direction here
in California, we also see gaps in our current plan that ESSA can help California address.

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

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

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

We appreciate the important protections in the new law, including the requirements around statewide standards and assessments, stricter public reporting, resources to support teachers and leaders, reporting on any inequitable access to effective teachers, and continued targeting of federal funds to the highest poverty schools and districts. But there are places where we urge the Secretary to go further through regulation. Thoughtful regulations can help
keep our state focused on the priorities that matter most and
the students who might otherwise be underserved.

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

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

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

Third, being clear that the state has a role in
supporting, monitoring, and improving low performing schools,
not just LEAs. We need guidance on what quality school
improvement plans should look like and how California’s existing district-level plans and support, which it is beginning to implement with the local control and accountability plans, can be leveraged to support individual schools.

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

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

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

And finally, on teacher equity the Department of Education should require states to set measurable goals and timeframes for eliminating disparities and access to qualified, experienced, and effective educators. California does monitor this data, but monitoring is not the same thing as creating meaningful goals and action plans for eliminating any gaps it identifies.
We look forward to supporting a successful implementation of ESSA in California. We think ESSA can help insure that we continue to head in the right direction here in California with respect to accountability and equity, while also improving the assurances and opportunities we are offering to our most vulnerable students.

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Colin Miller from the California Charter Schools Association.

Colin Miller
California Charter Schools Association

MR. MILLER: Good morning. My name is Colin Miller. I am the Vice President of Policy with the California Charter Schools Association. We are the professional and membership organization serving California’s public charter schools. Currently we have the most robust charter sector in the nation with 1,230 public charter schools serving nearly 600,000 students.

Our organization worked in partnership with our colleagues at the National Alliance of Public Charter Schools to support ESSA. And we would like to align our comments with their previously provided comments on this, at the hearing last week.
We appreciate the opportunity to summarize our comments here today for your information gathering. We generally do support the changes in the Reauthorized Charter Schools Program within ESSA. We recognize that charter schools have a very significant balance between flexibility and accountability as a key tenet of chartering. And we see this coming forward also in many of the conversations and comments that we are hearing here today.

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

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

We also support requiring states to identify and intervene in the lowest performing schools and to set aside federal funds for that purpose. We believe charter schools have an important role to play in turning around low performing schools and providing students in failing schools
with access to higher quality performing schools.

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

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

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

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

In addition, states and districts should be able to direct funding to expand access to high quality charter options for students attending identified schools.
A note on the graduation rate issues. There is a small but growing segment of charter schools that focus on students who are overage and undercredited. In the past such schools have had difficulty demonstrating their success and the context of state accountability systems focused on four-year cohort graduation rates because many of these schools only have these students for a short period of time before returning to their traditional school.

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

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

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

Charter schools, I would just finally note that charter schools in California are commonly considered local
education agencies for federal funding purposes. Single 
school LEAs, including rural school districts or urban high 
schools that are charter schools face unique challenges to 
access federal funds and to ensure compliance with federal 
rules.

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

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

Thank you for the opportunity to share our comments 
today.

MS. WHALEN: Thank you.

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

Donna Weiss

Communities in Schools, Inc.

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

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 places a site coordinator inside schools to meet the needs of the whole child by assessing their needs and providing them with resources that help them stay in school and prepare for success in life.

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

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

I have served on the National Board of Communities in Schools for 13 years and I have chosen to focus my own philanthropy and volunteerism on this organization because it works. But private support only goes so far. And that is why we are so excited by the opportunities that ESSA presents
for both evidence based practice and for integrated student supports. And we are particularly excited for the impact that this will have on the most underserved students and underperforming schools.

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

In that light we would like to provide the Department with two recommendations regarding the implementation of ESSA. Congress deliberately designed 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 non-academic barriers to student achievement.

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

So we really urge you to clarify in the
implementation of the Act that integrated student supports were specifically authorized by Congress to be paid for with Title I dollars.

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

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

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

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

MR. ROONEY: Thank you.
Next is Louis Gomez from the Carnegie Foundation for the Advancement of Teaching.

*Louis Gomez*

*Carnegie Foundation for the Advancement of Teaching*

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

The term “evidence based” is mentioned over 60 times in the new ESSA. We applaud the Act’s attention to the central role of research in improving schooling. I am grateful for the opportunity to offer suggestions about how ESSA can accomplish this.

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

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

The Department should recognize that significant
effect sizes in clinical trials can only tell educators that an intervention can work. They do not tell educators what it will take to make the intervention work in local context or even whether it is appropriate for their students in their context.

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

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

Third, focus on continuous improvement through rapid, timely analysis of evidence in informed decision-making. Consistent with the ESSA spirit of continuous quality improvement, future local evaluation activity should emphasize rapid analytics that can quickly inform educators about the effectiveness of their attempts to improve schools.
The Department should enable professional evaluators and local leaders to use rapid analytics for practical learning.

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

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

Five, promote networks to solve shared problems. Too often individual teachers, schools, and districts have been compelled to address improvement tasks alone. Their efforts are slow and often the outcomes are varies. Progress at scale can be accelerated when educators work together in
structured networks to address common problems. The result will be quality outcomes achieved more reliably, rapidly, and at larger scale. ESSA should encourage the formation of such networks.

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

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

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

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

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Elliott Duchon.
Elliot Duchon
Jurupa Unified School District

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

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

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

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

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

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

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

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

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supports and strengthens our nation’s public schools and moves away from prescription and punishment.

As you work to support ESSA implementation, please ensure districts have the opportunity to implement locally-driven programs responsive to children and families of the district. In Jurupa Unified School District we are implementing programs to help parents boost their children’s achievement, reduce childhood and even prenatal stressors, build family capacity, improve early literacy, end any programs aimed specifically towards children of poverty and other identified subgroups.

Please do not create regulations that stifle districts’ ability to create such critical programs and create schools labeled as failing. Let’s create schools of hope where every child succeeds.

Please empower Every Child Succeeds Act (sic) to be a tool to build capacity, not an instrument to measure failure.

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is David Rattray from the Los Angeles Chamber of Commerce.

David Rattray

Los Angeles Chamber of Commerce

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

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

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

I think after many years of trying we had a true
bipartisan success in the United States, much to the surprise
of many of us given the climate, to pass this legislation
that the President signed. And it was way overdue, but I
think extremely positive for kids in the United States of
NCLB did have ambitious goals that were very admirable. And I don’t want to join the chorus that simply say it was bad, it certainly had the right goals. Its methods I think ended up being a negative because it attempted to do change through a top-down process. And I think most of us know in the business community the best run companies empower their front line workers, they don’t disempower them.

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

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

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

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

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

And in fact, as the Superintendent mentioned earlier, having a dashboard with multiple indicators and believing in parents and stakeholders that they can interpret indicators wisely and effectively is in fact a much better
way to build the kind of education system that we need in the United States.

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

Thank you.

MR. ROONEY: Thank you.

Next is Lydia Gutierrez.

Lydia Gutierrez

Executive Board of the Benjamin Banneker Association

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

MR. ROONEY: That’s fine.

MS. GUTIERREZ: Is that better?

MR. ROONEY: Yes.

MS. WHALEN: Yes.

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

I am a public school teacher with 20 plus years of teaching experience. I graduated Pepperdine University, two
teaching credentials: a Master’s in Bilingual Education, I am an international baccalaureate teacher, writing fellow with Long Beach State University, master teacher for the Mathematics Project and Teacher Leadership Institute with UCLA.

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

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

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

I would like to request the same. During this timeframe of public review for ESSA from November 30th through December 10th, were any comments or questions or
concerns brought forward and were they answered? Please provide where on your U.S. Department of Education website are the comments, questions, and responses?

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

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

Number three, in Title IV, Expanding Opportunity through Quality Charter Schools, it addresses facilities, financing, assistance. It states of helping charter schools address the costs of acquiring, constructing, renovating facilities by embracing the availability of loans or bond financing.
If for whatever reason, a charter school were to close and after all the outstanding bills were paid and still remained land, the facility, and/or supplies, who would it go to? The local school district? State? Or would it go to the entity that started the school as a profit? Please keep in mind this is all taxpayer money that helped establish the school.

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

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

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

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

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

MS. WHALEN: Thank you.

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

Juan Pena

Youth Justice Coalition

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

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

Because of where I grew up in one particular --- in the public housing projects next to the Port of Los Angeles police stops for me were -- in the schools and streets were really constant. The first time I was ever arrested was when
I was 10 years old in the fourth grade because one of the students had brought paraphernalia, drug paraphernalia because a day before their program, the police officers had shown us drugs and drug-taking materials such as --- wraps and stuff like that.

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

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

Young people, especially black and brown youth, undocumented youth, system-involved youth, you know, foster youth are already afraid of law enforcement. Imagine how we feel when we walk into our schools past metal detectors, dog sniffing drug dogs, law enforcement, probation and they’re all armed with weapons and stuff like that on campus before
we even get to our first classrooms. Imagine how we feel going to school. We don’t feel safe, we feel intimidated and unsafe.

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

Once also in high school or middle school there was a walk-off for immigration rights and immigration status and stuff like that and some of the students were walking out and jumping the fence. And while some of the students were doing that some of the law enforcement locked down the school and were taking a lot of the people down to the fence or --- and stuff and one of the females, a lot of females actually were really thrown down on the ground and stuff like that. But one of them was, when they were putting her down she got
caught in the fence by her neck and her whole neck was
slashed through and she was bleeding, bleeding rapidly and
was forced down.

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

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

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

Locked up in probation schools, juvenile halls,
prisons because of minor incidents at school better handled
by school administrators. Don’t lock us in, don’t lock us out. And don’t lock us out because -- please, because include the Dignity in School Campaign recommendations by issuing guidelines, regulations, and technical assistance for state under every student, ESSA act, to help address school climate and safe to ensure every student gets college prep and not prison prep. And a school that is welcoming, non-violent, and respectful.

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Loring Davies from Whittier Union School District.

Loring Davies

Whittier Union High School District

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

Certainly I can speak on behalf of our District when I say that we support the State’s Local Control Accountability Plan and the ability of the State to have
flexibility in creating and implementing its accountability program.

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

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

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

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

Our District has focused not on a single...
measurement, but rather has required all of us at the schools to examine things like student attendance rates, discipline data, percentages of students who are making adequate progress toward graduation as well as graduation rates. The percentage of students meeting college entrance requirements. And last, but not lease, standardized test scores.

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

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

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

We also developed early and focused intervention approaches at times in conjunction with the community based
upon a student’s graduation progress which has led to higher graduation rates. We believe it is also no coincidence that this has led to higher test scores among our students.

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

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

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

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

I believe that allowing local districts to identify
and respond to the unique needs of its students and its families is absolutely vital.

Thank you.

MS. WHALEN: Thank you.

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

(Pause.)

Thomas Saenz

MALDEF

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

MALDEF staff in Washington, D.C. worked assiduously when the ESSA was pending in Congress to ensure greater attention and accountability with respect to subgroup performance. In the end we offered conditional support for the legislation. Our support was conditional because of a concern that the increased discretion at the state and local level would not ensure rapid or even sustained success in reducing and eliminating achievement gaps faced by subgroups across the country.
But in the end we supported the legislation because the ESSA does live up to the civil rights heritage of the original Elementary and Secondary Education Act. In particular it does so by shifting the primary focus from NCLB’s bringing all students to a level of competency to the elimination of achievement gaps faced by students.

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

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

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

First, the Department should make clear that the goal of any state plan should be to eliminate achievement gaps at all levels of success, not just competency. What that means is that a school for example that succeeds at getting all of its students in all subgroups to competency is certainly to be applauded, but not to be excused from
continued efforts at ensuring that achievement gaps that persist at higher levels of achievement are eliminated.

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

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

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

Second, it means that implementing the additional targeted supports based on subgroups that perform equivalent to the fifth percentile, the bottom five percent, or that subgroup to be a school there should be no arbitrary obstacles, no arbitrary limits set up by any state to large numbers of schools being identified.
In a state like California --- with a number of significant subgroups and the different levels of performance we are likely to see a significant number of schools and districts identified as having to provide to additional targets of course because of subgroup performance and we should not shy away from that large number of schools being identified.

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

And fourth, with respect to English Learners, you have already heard some important input about the up to four years that redesignated English Learners maybe continued to count within that group. The Department should make clear that the time within that zero to four years of continuing to
be counted should correlate with the reliability of the redesignation standards in a particular state.

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

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

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

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

This morning we actually had a number of people who
signed in to speak just as walk-ins. We will be able to accommodate you this afternoon. I am afraid we will not be able to accommodate you this morning because we have actually reached our time.

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

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

Thank you.

(Whereupon, a luncheon recess was taken.)
Welcome and Overview
by Ann Whalen

MS. WHALEN: If everybody could please take your seats we are going to get started, we are going to get back on time. That is our commitment to you.

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

For those of you who were here this morning you are going to hear a few things over again just to remind you that is why we are here today and the logistics. For those of you are new this afternoon, welcome. It is a pleasure to have you. We really appreciate you guys taking time out of your busy schedules to join us today.

Your advice and recommendation is critical for the Department in thinking about how to support states and districts successfully implement the Every Student Succeeds Act or ESSA. We are excited that so many speakers are here at today’s meeting representing a variety of different organizations and stakeholder groups.

We are particularly excited to hear from a number of teachers who will be joining us later this afternoon after
their school day schedule accommodates them to be here to speak.

As you may know, the Department is soliciting advice and recommendations regarding regulations and guidance needed to implement programs under Title I of the ESSA, both in person and electronically and through the post mail. 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, either speaking or here just listening at today’s meeting to also submit comments through this electronic comment process.

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

In addition to today’s meeting we also held a regional meeting to solicit advice and recommendations from stakeholders in Washington, D.C. on January 11th. 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, ESSA, are designed to help disadvantaged children meet high academic standards. Comments provided at these meetings should focus on these issues, please.

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 particular time, providing individual or general responses or reflections to your testimony made today. We will use the thoughtful feedback to affirm our work as we implement the new law.

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

MR. ROONEY: Thanks, Ann. And thank you everyone for being here this afternoon. So, for those of you who were here this morning this will be a repeat of what you heard before. But I just want to remind you of some of the
logistics before you go ahead and get started.

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

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

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

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

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

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

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

Let’s see, as a reminder a couple things. We have hopefully fixed some of the technology that we had from this morning to solve some of the problems. We have a new microphone which is now closer to the computer to help align things better. But we ask that since we are live streaming this we ask that you try to not block the computer screen and please be aware that the screen is recording your comments.
That way everyone on the live stream can see what you are saying and can see you as you are saying it. So please speak clearly and try not to block the computer screen and be aware that it is recording.

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

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

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

But all of that information will be made publicly available on our website. So with that I am going to turn over to the first speaker who I think is David Gordon from Sacramento County Superintendent of Schools. Is Mr. Gordon here?
MR. ROONEY: Okay. Number two is Nolan Rollins from Los Angeles Urban League. Mr. Rollins?

(No response.)

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

David Hinojosa

Intercultural Development and Research Association

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

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

We also have a strong track record in research, evaluation, and policy, especially focused on underserved student populations which of course are the focus and should
be the focus of Title I Regulations and Guidance.

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

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

So for example, in the area of accountability there are a number of states across the country for one reason or another that have accountability systems that are misaligned to the actual goals that they have in place. So for example in Texas their accountability system purports to measure student achievement, student progress, achievement gaps, and post-secondary readiness. Yet despite the dismal outcomes for underserved students such as English Learner and low income students across many metrics, whether you look at the STAR state exam, whether you look at graduation rates, dropout rates, college readiness indicators where those student groups are performing miserably, only four percent of
1,024 districts were identified for needing improvement under the state accountability system. And that’s just an example of how you can have a system in place on paper, but what it is actually doing to help school districts -- because of course if you don’t identify school districts for improvement probably not a lot is going to change as the Secretary knows.

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

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

That of course, and we are going to submit written testimony that shows that in Texas for example the ELL student category in the fifth grade only 48 percent passed the fifth grade reading test, yet when you combine the former ELLs just from two years that jumped all the way up to 57 percent. So it is nine percentage points by combining those
And while that is certainly allowed under law, some
guidance and regulations can help ensure that this is aware.
And they could also provide examples of practices that are
unacceptable such as states that in the past have had
separate minimum numbers, the end number, larger end numbers
for EL categories and proficiency than in the general
accountability system.

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

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

We would also encourage the Department to issue
regulations and guidance in helping to identify resource
inequities. This has not been done very successfully in the
past at the local level. Now all of a sudden it is going to
be a requirement for districts or schools identified under
the comprehensive and additional targeted support areas.
And the Department can both help in identifying how those resource inequities can be discovered and also provide some ideas, of course not prescriptive, but just suggestive, on how to remedy those inequities.

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

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

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

Thank you very much.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

(No response.)

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

Howard Gary Cook

WIDA at the Wisconsin Center for Education Research

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

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

I also serve as the Research Director for the WIDA Consortium. WIDA is a consortium of 36 states that share common English language proficiency standards and the common English language proficiency assessment called Access for ELLs.
In total, WIDA member states assess over 1.5 million English Learners annually. While the comments and questions I share today are my own, many of them are sourced from our member states, specifically members from the WIDA Board’s National Policy Subcommittee.

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

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

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

I and my colleague, Robert Linquanti, have written extensively on this topic, the topic of creating a common
definition for English Learners within and across states. I heartily, and I am certain Robert heartily endorsed this requirement. However, it would be very helpful if the Department could clarify what “standardized procedures” means. The clearer the direction the better states will move towards establishing a common definition for English Learners.

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

So my question is what does “progress in English language proficiency” mean? Does it refer to growth in language proficiency? Does it refer to increases in the number of students obtaining English proficiency? Or does it mean both?

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

Lastly, in my reading of Section 1111(c), the accountability section, schools are identified as the locus
of accountability. That is the application of the indicators for accountability are at the school level. In the previous version of ESA districts were the locus of accountability for ELs. In WIDA states three-quarters, that is 75 percent of the districts, have less than 100 ELs. Slightly more than 33 percent or one-third of the districts in WIDA Consortium have less than 10 ELs.

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

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

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

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

And I thank you for the time and providing me the
opportunity to share my comments.

MS. WHALEN: Thank you.

MR. ROONEY: Thanks.

Next is Tony Gueringer, UCLA Black Alumni Association.

Tony Gueringer
UCLA Black Alumni Association

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

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

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

Having said that, we are very concerned about the disproportionate levels of suspensions that have been given out to students of color that occur from K-12. That, the
limit, seems to be something that is nationwide. It is not just happening here in L.A. or in California. It is happening across the nation.

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

What we are saying is that in one district a student can be sent home based on how she wears her hair. And in other districts that is not an issue at all. Okay?

What we would also like to see is an added diversity curriculum for the students that attend the schools. Because we think creating an element and an environment where learning is welcomed from all different ethnicities is in fact important.

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

And in conclusion, we would like to say that we hope that the local school districts are able to maintain their flexibility. We understand that capacity is an issue, but in terms of trying to implement diversity measures it is going to take the creativity of that local school district to actually succeed at doing that.
And so we would like for the local school districts to have that sort of creativity and that flexibility so that they can execute that process.

And I would like to thank you again for the opportunity to address you and the Every Student Succeeds Act.

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Mark Slavkin, the Wallis Annenberg Center for the Performing Arts.

Mark Slavkin

California Alliance for Arts Education

MR. SLAVKIN: Good afternoon. Welcome to California. I apologize for the weather that we are experiencing. This is our version of a horrific storm. But we are going to get through this.

My name is Mark Slavkin and I am actually speaking today on behalf of the California Alliance for Arts Education where I serve on the Board, which is a statewide policy and advocacy organization. And I am pleased to bring greetings from our Executive Director, Joe Landon.

In a nutshell it is our belief, as well as advocates around the country, that the arts have a great deal to contribute to student success. And we are pleased that
the new law has explicit references to the importance of a well-rounded education and specific references to art and music and other arts education programs.

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

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

Our ELL students don’t have strong oral language skills. And it’s not obvious to educators that the arts can be part of that solution although there is more and more evidence and quality research that makes that point. We have a generation of educators who have grown up in a world where they don’t have the arts and their assumption in Title I schools is they cannot use Title I money to support the arts. That has either been a reality or an urban mythology or the
word that comes down in their district or their state or
their understanding of all of the compliance rules.

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

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

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

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

Thank you for listening.
MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

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

Rico Tamayo

California Federation of Teachers

MR. TAMAYO: Good afternoon. My name is Rico Tamayo and I represent the California Federation of Teachers.

I am the President of the Early Childhood TK-12 Council. And I want to say today is a good day because I drove up from Long Beach on the 405. You may not know L.A., but I made it in 38 minutes and that’s awesome. I just hope it’s that way going back.

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

I think we all know that facilitating state, district, and school-level decision-making is going to be key
to its success. We appreciate that the ESSA gives educators a greater voice. It provides more opportunities for all students and takes away the emphasis on high stakes testing. This is possibly going to be the shortest speech I have ever made. I was at the Commission on Teacher Credentialing where they gave me a whole two and a half minutes. And if I can beat that then I think I deserve an award.

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

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

I don’t think it is up for debate that the
foundation of pretty much all learning is set by about five years old. And it is very important to support and protect and nourish our little ones as they begin their educational journey.

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

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

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

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

MS. WHALEN: Thank you very much.
MR. ROONEY: Next is Roxana Marachi.

Roxana Marachi

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

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

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

My letters document the numerous technological barriers, design flaws, and breaches of contract in the development of the computerized assessments that are now
being pushed with increasing pressure from the U.S. Department of Education.

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

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

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

The State’s proposal indicates that if CASP online...
assessments are administered under the current regulations achievement measures may not be accurate, reliable, and valid. Consequently, calculations based on inaccurate measures will harm students and LEAs by not providing information needed for appropriate instruction and accountability, both federal and state.

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

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

I would say that to transfer these false data for use in federal or otherwise shared databases would be equally immoral, unethical, unprofessional, and irresponsible. Now it appears that the same faulty assessments at the core of this finding of emergency are poised to be forced on to students.
On December 22nd the U.S. Department of Education issued a letter that threatened punitive action against the State of California and 12 other states should participation rates for these tests fall below 95 percent. Such a threat not only violates basic rights of students and parents, but also ethical protections of human subjects and research and the very provisions in the new ESSA law that gives states the authority to affirm parents rights to opt their children out of tests.

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

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

Websites that have excellent resources are a National Association for Children and Safe Technology and Safer EMF dot com. As of December 1st 217 scientists from 40 nations have signed the International EMF Scientist Appeal. All have published peer-reviewed research on electromagnetic
fields in biology or health. The petition calls on the United Nations, the UN member states and the World Health Organization to adopt more protective exposure guidelines for EMF and wireless technology in the face of increasing evidence of health risks.

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

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

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

I echo the recommendations documented in the EMF
Scientist Appeal and the Environmental Health Trust open letter and further recommend that your administration prominently display full disclosure of exposure risks to EMF radiation, especially in the schools where these devices will be used.

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

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

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

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

Gina Womack

Families and Friends of Louisiana’s Incarcerated Children

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

Audio Associates
(301) 577-5882
and I am a parent, Co-founder and Executive Director of Families and Friends of Louisiana’s Incarcerated Children. We are a statewide family advocate group.

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

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

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

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

Even today 46 percent of the children that our
juvenile public defender’s office in New Orleans serves have been expelled or suspended from school. About 25 percent were arrested for something that happened at school. And unfortunately, about 98 percent of those children are African American.

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

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

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

Comprehensive needs assessments in regulation, guidance, or technical assistance to states please ensure that the needs assessment fully examine areas for improvement for safe and healthy school environments that includes
reducing the presence of police in schools. Reducing suspension and expulsion rates. Addressing disproportionality in discipline along racial, gender, and disability lines.

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

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

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

Louisiana schools rely too heavily on suspensions and expulsions as a solution to children’s challenging behavior.

Lastly, we urge the Department to joint our Let Kids Be Kids effort and issue regulations or provide technical assistance to schools to help address school
climate and safety. This alliance with the 2014 issuance of
the Joint Guidance and School Discipline issued by this
Department and the Department of Justice.

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

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

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

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

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Mike Stryer from Teach Plus.

Mike Stryer

Teach Plus

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

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

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

So within this context Teach Plus and our teachers have a keen interest in the implementation of ESSA as our students’ future depends on how well the new law is implemented around the country.
Later today you will have an opportunity to hear directly from two of Teach Plus’s fellows, teaching policy fellows, Bootsie Battle-Holt and Chris Hofmann, two outstanding teachers currently teaching here in L.A. in L.A. public schools.

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

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

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

Full rates of participation allow us to continue to use these assessments to highlight disparities between specific subgroups of students and to provide a rich source of information in addressing these disparities. Clearly, focus on high participation rates is critical.
Number two, the legislation is also notable in focus on streamlining assessments. As we all know in some districts the high number of assessments has diluted the potential effectiveness of assessments in identifying student needs and in pinpointing areas for growth in teacher practice.

Retention of the highest quality assessments is fundamental to a rational streamlining process. In the words of Casey Jones, a teacher and coach in Tennessee, “Assessments should be a subtle ongoing process used to measure teacher efficacy and student skill level. It’s a process that will yield information that directly impacts students and teachers to the next level of learning.”

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

Over the last few months Teach Plus teacher leaders here in L.A. met with numerous legislators here in their district offices and participating in Congressional briefings and Hill Days in D.C. advocating for their inclusion. And we
are really gratified to see that they are largely part of the final legislation. It is a big step forward for teacher leadership.

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

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

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

Thank you.

MS. WHALEN: Thank you.
MR. ROONEY: Thank you.

Next is Marisol Rerucha.

Marisol Rerucha

County Office of Education

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

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

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

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

I am now at the County Office of Education working with the juvenile court and community schools. I am leading career technical education. Students in our juvenile
facilities, according to our ‘13-14 SARK* were 68 percent Latino, 12 percent African American, 43 percent English Learner, and 99 percent socioeconomically disadvantaged.

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

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

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

NCLB brought high stakes accountability and demand to meet the need of our most marginalized student population, our ELL, special education, socioeconomic, African American, and Latinos. But it created a punitive, fear-based environment where school systems shifted those populations out to be able to save their systems.
There was a harsh focus on teachers, educational leaders, schools, and ultimately our students. NCLB created an environment of “I gotcha”. So it was the “gotcha”, I gotcha for not meeting those populations year after year. I got you student for not increasing your English language proficiency.

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

It is time to use educational policy to create a systematic environment that ensures a culture of “I’ve got you”. “I’ve got you”. A system of support. And what we need is accountability for all students.

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

Our assessments should be growth model, be competency based, and we also should be offering native language assessments to show our English Language Learners that we’ve got them. To prove if they have a stronger
language that we can see their content and skill, their critical thinking, listening, speaking, reading, and writing abilities. We have to get them. We have to support them.

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

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

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

We are critical partners. And also, throughout Title I language our incarcerated youth need to be included in all of those areas and not just in Section (d).
I want to thank you for your time and I thank all of you for your work and for your voice today. Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Angela Hasan, USC Rossier School of Education.

**Angela Hasan**

**USC Rossier School of Education**

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

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

At our school, Rossier School of Education, we are in the process of following our teacher candidates for at least the first three years trying to understand how effective they are as teachers so that that will lay the data and foundation to the kind of coursework and clinical experiences that they may have.
So we are asking if there is possibilities in the near future for teacher education programs to be tied with teacher effectiveness. Unless that’s done, unless what we’re doing in terms of preparing teachers are tied to the effectiveness that they have in the classroom as teachers, then we will continue making the same mistakes.

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

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

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

So it starts in these teacher education programs that are putting out young candidates with all the great intentions but with poor preparations because we are not
tying what is going on in those classrooms with our programs. That we are in isolated in doing that in a program.

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

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

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

So we need to align the parent piece with what is going on in the classroom and also with the teacher in particular. Again, teacher education programs need to be involved with the parent engagement piece as a requirement.

And so we are asking for better alignment between the parent,
family engagement and teacher education as well as the
effectiveness of those programs and research that help us to
understand and guide these programs in the future.

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Steve Henderson from the California School
Employees Association.

(No response.)

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

*Marika Pfefferkorn*

_Minnesota Education Equity Partnership_

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

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

Again, I mentioned I’m the Director of the
Minnesota Black Male Achievement Network, but we are a part of the Minnesota Education Equity Partnership. And as a part of that work we provide technical assistance to school districts. We also do parent engagement and student engagement and we also are very active at the legislative level in our state.

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

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

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

So we know that school climate is a key indicator of school quality and student success because students cannot learn if they are not in school. Students cannot learn or achieve if they do not feel safe in school. And this
includes students that are still remaining in the classroom when other students are being pushed out.

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

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

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

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

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

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

We urge regulations and guidance to define the term “aversive behavioral preventions”. This does not refer to restraint and seclusion. What about handcuffing? Regulations are needed to clarify. Still to this day we can’t distinguish between non-violent and violent suspensions in our community. Even in the school district you’ll have
one teacher say one thing and another will say another and
the two will never have the conversation about it.

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

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

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

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

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

MS. WHALEN: Thank you.

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

Christopher Lund

Long Beach Unified School District

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

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

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

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

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

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

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

While we are encouraged by the State of California’s emerging efforts to measure multiple dimensions of school quality, we also recognize that the State’s limited data system will make the kind of robust system that we have developed for over a million students in California infeasible at the state level.
For instance, we include measures of chronic absenteeism which requires student level attendance data that is not collected at the state level.

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

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

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

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

We ask that the U.S. Department of Education consider allowing states to permit a subset of LEAs to engage
in alternative school quality measurement systems that still meet the requirements of ESSA while also allowing for more rigorous assessments than what the state can provide. In states where this occurs the state would still be responsible for ensuring that across schools in the state system and schools in an alternative system at least five percent of schools are being identified for instance, for comprehensive intervention. But where the statewide system may differ from the alternative system employed by select LEAs in terms of which schools are actually being identified.

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

Thank you.

MS. WHALEN: Thank you.

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

Sandra Goodwick

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

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

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

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

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

Now despite these historically deep truths in these
statements, understood worldwide look at who has the best spots in last weeks hearing. One non-teacher billionaire. Gates Foundation, nine of the first eleven speakers had Gates Foundation money. Eleven of the next twenty-two. Five of the next twenty-three. And none at the end.

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

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

(Applause/Laughter)

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

Jamy Brice-Hyde, a teacher who spoke last week in D.C. started a grassroots movement. We connected with teachers from Sandy Hook to Seattle. We developed a first of
its kind survey that took a deep, dark look at all the real
problems that you know about and we know about. From
inadequate facilities to bullying administrators and campus
violence.

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

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

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

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

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

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

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

Building a nation means learning how to collaborate with one another as co-members. Collaboration, not
competition is the sought-after goal in Finland. We need to replicate, replicate good examples of teacher and school learning. We need to replicate it. Find it and replicate it.

Such as a Navaho Wisdom Teacher who successfully uses the mindset of her background to engage with Native children. Or programs that raise up our most vulnerable students via teacher role models who share the same minority status.

Find small districts that are doing it right. Sequim, Washington is one example. They have a campaign to get a bond passed to fix things like a toilet that when you flush it the water comes out of the drain in the bathroom. It says on their signs “Our children, our community, our future”. That needs to be our mantra too.

Public education exists not for billionaires, not even for teachers. It exists for the entire community and we need to go back to that.

Thank you.

(Applause)

MS. WHALEN: Thank you.

MR. ROONEY: Next is Deborah Marcus from the Communities in Schools of Los Angeles.

Deborah Marcus

Communities in Schools of Los Angeles

Audio Associates
(301) 577-5882
MS. MARCUS: Hello. Okay. Thank you for having me here today and thank you for including me with all of these other speakers. It has been very inspirational and powerful. So thank you all for your words.

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

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

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

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

CIS’s unique and evidenced-based model positions site coordinators inside schools, partnering with teachers,
without counselors, and with administrators to meet the needs of the whole child by assessing their needs and providing them with wraparound resources to help them stay in school and achieve their potential.

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

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

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

Communities in Schools is excited about the opportunities in ESSA for evidence-based practice and integrated student supports. We would like to provide the Department with two recommendations regarding Title I.
Congress deliberately designed 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 non-academic barriers to achievement.

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

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

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,
including those that reduce systemic obstacles to learning
and provide a holistic approach to K-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 as they deem fit.

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

MS. WHALEN: Thank you.

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

Heidi Brewington
California State PTA

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

This afternoon I would like to offer input on the
Every Student Succeeds Act. As a parent I saw first hand the
impact that actively engaged families have on their schools,
communities, and most importantly their students, including
students with special needs versus the students whose
families are not involved.

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

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

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

Parent engagement is more than regional parent
centers and we need for the federal government to recognize
that. California is rich with diversity. What works for a
school in Southern California may differ for a school in
Eureka, California. What works for California may differ in
Washington and other states.
We need to reach out to parents, guardians, students, and communities and embrace the diversity of each community and find out what each community needs in order to be successful in increasing family engagement.

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

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

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

Knowledge is power. And education is the power behind family engagement. The California State PTA advocates to increase the number of engaged parents and families so that they may be empowered to support the needs of more than
9 million children, preschool through high school. And while we know that the family and parent centers referenced in ESSA are great, we need more than just a few centers. We need regulations that support and will drive meaningful parent engagement as I have described.

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

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

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

(Applause.)

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

So first going back is David Gordon from the
Sacramento County Superintendent of Schools here?

(No response.)

MR. ROONEY: Okay. Nolan Rollins, Los Angeles League?

(No response.)

MR. ROONEY: Okay. Marco Petruzzi, Green Dot Public Schools?

(No response.)

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

Rudy Cuevas

YouthBuild Charter School

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

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

One thing is for sure, whether they were pushed out of their last school for reasons of race, class, or gender our young people find a haven at YouthBuild.
While we have all heard about the many remarkable achievements under NCLB it is good to hear legislators admit that the lockstep approach to cookie cutter accountability was yet another way in which young people were marginalized and tactfully pushed out.

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

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

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

Before national calls for college and career readiness minimum standards YouthBuild Programs have long been expected to provide a post-secondary pathway for graduates that complete our program. Recently our focus has been to push beyond just diplomas and AAs in community
colleges so we can help young people go directly to a four-year college because community college transfer rates are still abysmal in impoverished communities.

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

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

Thank you.

MS. WHALEN: Thank you.

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

(No response.)

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

(No response.)
MR. ROONEY: Okay. I think this woman might have left, but Yvette Kingburg, Youth Policy Institute Charter School?

(No response.)

MR. ROONEY: Laurel Ashlock, ACSA?

Laurel Ashlock  
ACSA

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

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

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

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

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

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

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

There will be a requirement to demonstrate continuous improvement in closing achievement gaps and in demonstrating growth. It will be essential to support a balanced approach to teaching and learning while using local funding control equitably to ensure every student masters standards, attains language proficiency, and develops the
social-emotional skills to exist as a member of a community.

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

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

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

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

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

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

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

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

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

And now the next name on the list is Claudia Goytia...
from AHA.

**Claudia Goytia**

**American Heart Association**

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

MS. WHALEN: Yes.

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

The regulatory and guidance process is essential for all education stakeholders to understand the provisions of Every Student Succeeds Act and implement it effectively.

In addition, the passage of this law provides new opportunities to support physical education in schools across the country.

The American Heart Association is the nation’s oldest and largest voluntary organization dedicated to fighting cardiovascular disease and stroke. As such we
support strengthening standards for physical education throughout K-12 education to address the cardiovascular health of our nation’s children and their long-term well-being.

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

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

Nationwide only 51.8 percent of high school students attend at least some physical education classes and 31.5 percent of those students have daily physical education. Given this data we believe it is critical for the department to make clear the importance of physical education and school programs and curricula. Title VIII of ESSA clearly defines a
well-rounded education to include health and physical education. However, we believe that in issuing regulations and guidance for Title I the Department should list all of the subjects included in the definition. This will ensure that states, districts, and other partners clearly understand the intent of Congress when referencing a well-rounded education and the opportunities available to them to strengthen physical education programs in schools.

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

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

Again we appreciate the opportunity to comment and we look forward to working with the Department on ESSA implementation in the coming months. We feel the Department plays a vital role in providing importance guidance that can strengthen physical education across the United States.
So thank you again. Claudia Goytia with the American Heart Association.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

(Applause)

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

_Sylvia Youngblood_

_DA_

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

(Laughter)

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

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

(Applause)

MS. YOUNGBLOOD: I just wrote notes so I don’t have anything as eloquently put as the others so I am just going
to kind of go through it.

My name is Sylvia Youngblood. I am the mother of four children with specific learning disabilities and who are on the autism spectrum. I am on the Los Angeles Learning Disabilities Associations of America’s National Board. I also serve as the Chairperson of the Weston* Gaber Valley SoCal Community Advisory Committee on Special Education.

Parents and students and community are never given the information so they don’t have the opportunity to comment at events like this. So you are really not getting what the parent, student, and community voice is on ESEA and ESSA.

And when you are creating the law and you are rewriting the law and providing guidance using words like “as appropriate” and ambiguous words are not good because it gives districts at the local level to have the option to not implement things. So it gets parents and students lost in overcoming the bureaucracy of what is going on at the districts and the local level.

Concerns with RTI and multi-tier systems of support, most schools don’t have anything like this in place. And parents are not educated on RTI so they don’t know what RTI is. RTI also is a big concern in the special education community because it is a way to not assess kids for special education. So it eventually denies kids entry into special education.
Implementation and accountability, from a lot of standpoints from community cannot be left up to the states or at the local level because there is no oversight. So when you have things put in place, when you put in place great laws and different things it gets lost at the local level.

Having something that puts parents, students, and communities to have the authority to oversee what has been put in place to benefit their children and students would be helpful. That way they would have the authority to make sure that things get put in place and have a forum to give their input on what is working and what is not working and what is happening and what is not happening.

Just for example, in my SOPA*, our SOPA director just as a Community Advisory Committee we wanted to give input on her performance. So we went into closed session. That in return put in retaliation for our SOFA director to file a complaint with the Los Angeles County District Attorney’s Office against the Community Advisory Committee on Special Education. Is that how you treat your community leaders?

That’s how educated community leaders are met at the local level. So it is really hard for us. When it is at the state level all states are required to have an Advisory Commission on Special Education to advise the state on special education within the state. Then things like
privatized task forces are put in place that get around the parent and community input and they create a task force of who they want to have on the task force. And they end up advising the state and the governor rather than the true individuals who are supposed to be advising the state and the governor.

On school site councils under Title I students and parents don’t really know what their purpose is why they are there. So they don’t understand what’s going on. They have, I just attended my school site council meeting last week. They’re trying, but they have no idea what’s going on here today.

They’re talking about it and there’s minimal information that the principals know and that the schools know and that the teachers know and it’s not to their fault, they have a lot going on, but if we could help educate our parents and communities and get the word out there then it would be helpful.

Councils are not communicating with the other groups that they are required to communicate with in the law for school site councils, including special ed groups like the Community Advisory Commission on Special Education. Principals and teachers end up making the decisions because parents and students don’t know what’s going on.

Waivers under Title I. You have to stop giving
waivers because if you create a law and expect the law to be implemented why are you going to waive the law? That’s kind of giving you the option to either comply or not comply. And if there are waivers in effect have some sort of public hearings that parent and student bodies are overseeing so that it can be determined by the community is this waiver, is there any validity to this waiver request or not before it moves on to the state and the state just goes ahead and grants all these waivers under Title I.

Special ed students are not a topic again in school site council meetings. It’s really only about English Language Learners and low income students. But they are all students that are at risk. And I think we forget the special ed population.

For example, we just had Central Unified just speak about LCFF and there’s four subgroups. The subgroup she left off was special education. So special education is always getting left out of the conversation and I think that we need to put a lot more focus on that.

Transitions in post-secondary education in life, the support is not meaningful enough to where kids are going to succeed in post-secondary education and life. Especially when it comes to the special ed student population. One gentleman mentioned diversity training when it comes to Native American. I am Native American, I would love to see
that happen. History taught in the school districts. Coming up is Lincoln’s birthday. We all know Lincoln for freeing the slaves. But did we also know that Lincoln also executed the largest mass execution in the United States, the Dakota 38? That history goes untold and our students really need to know what the history is of all of the populations within the United States because we are so diverse.

So, thank you for your time.

(Applause)

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

The last name on our list is Judy McKinley, the Los Angeles Learning Disabilities Association.

Judy McKinley

The Los Angeles Learning Disabilities Association

MS. MCKINLEY: Good afternoon, all. My name is Judy McKinley. I’m President of the Los Angeles Learning Disabilities Association which is an affiliate of the Learning Disabilities Association of America.

I want to express concerns regarding Pay for Success that is in the new law which is used as an investment for corporations such as Goldman Sachs. They invest -- to make large profits when children are not identified, their special needs are not identified.

This is a disincentive to identifying the special
education needs, the Individuals with Disabilities Education Act is the United States Federal Special Education Law. Pay for Success is in direct opposition to the IDEA requirements of Child Find*. This requires school districts to actively seek out children with suspected disabilities. Obviously, Pay for Success is a deterrent to that happening.

Next LALDA is extremely concerned that students with specific learning disabilities be given quality assessments and provided quality-intensive instruction utilizing curriculum and practices validated for teaching SLD students based on their individual needs.

Many school districts in California are grossly out of compliance with California and Federal Special Education Laws. There is valid documentation that the pipeline from school to prison is in some part due to the lack of identifying students’ handicapping conditions and providing appropriate educational services to meet their needs.

Valid research shows that 70 plus percent of children and adults that are incarcerated have specific learning disabilities and other related disorders. In California that population is largely made up of African Americans and Hispanics.

And -- let me see here -- both the California Department of Education and the U.S. Department of Education must acknowledge that the lack of quality special education
services leads to the prison incarceration.

One other thing, the representative was not here for the California School Employees Association. I am a Vice President of the Pasadena, California School Employees Association and I want there to be -- California School Employees Association is the largest classified union in the United States. And I think it is important that classified employees get the credit that they are the backbone to most school districts and keep those school districts running.

Anyway. Thank you.

(Applause)

MS. WHALEN: Thank you.

MR. ROONEY: Thank you. Actually, thank you for that reminder. When I went through the people I called a second time I realized I had forgotten to call Steve Henderson from the California School Employees Association to make sure he didn’t come in.

MS. McKINLEY: I don’t see him. So hopefully I did ---

(Laughter/Applause)

MR. ROONEY: Well we will ask one more time the names that we skipped over to make sure they didn’t sneak in while people were talking.

David Gordon from Sacramento County Superintendent of Schools?
MR. ROONEY: Nolan Rollins, Los Angeles Urban League?

MR. ROONEY: And Marco Petruzzi from Green Dot Public Schools?

MR. ROONEY: And then from the walk-in list Sarah Ruse?

MR. ROONEY: Celia Alvarado?

MR. ROONEY: And Yvette Kingburg?

MR. ROONEY: Okay.

MS. WHALEN: Okay. That was a wonderful segment of public comment. Thank you guys all very much. We very much appreciate you taking the time out of your afternoon, both in person and on the live web stream.

For those of you who haven’t done so already I will remind you once again, I will do it a few more times today, to please submit your comments in writing if possible via the E Rule-making site. For instructions on how to do that please go to www.ed.gov/essa. Again, we ask you to submit it by January 21st.
Second, if you were unable to join us for all of today’s live webstream or here in person, don’t worry, that live stream will be available on our website as well as a transcript from today’s event as well as all speakers and their affiliation who were able to join us today.

We are now going to go for a quick break and we will be back here again at 2:45 Eastern -- excuse me, Pacific Time, not Eastern Time, 2:45 Pacific Time. And we will again go through a little bit of introductions and the logistics for today.

Thank you guys and we look forward to seeing you back in about 20 minutes.

(Whereupon, a brief recess was taken.)

Welcome and Overview

by Ann Whalen

MS. WHALEN: Hi. Good afternoon. If everybody can take your seats, we will go ahead and get started with the last segment of today’s public meeting.

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

For those of you who have been here already today I apologize, you are going to have to hear my spiel for the third time. And for those on live stream you’re going to
have to hear it for the third time. But for those who are new, welcome. We really appreciate you guys coming this afternoon and taking time out of your day to join us.

So your advice and recommendations that we hear today are going to help 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 will replace the No Child Left Behind Act of 2001 is good news for our nation’s schools and students.

The ESSA built on key project we have made in education in recent years, including a record high of high school graduation rate of 82 percent and includes many of the key reforms we called on Congress to enact in recent years as part of any reauthorization of the law.

The ESSA sets out clear goals of ensuring our education system prepares every single child to graduate from high school ready to thrive in college and career. It includes several provisions and emphasizes equitable access to educational opportunities, including holding all students to 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 draw up their own strong systems for school improvement and accountability.

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 be beneficial 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. You may visit www.ed.gov/essa for additional information and instructions on how to submit comments.

In addition to today’s meeting we also held a regional meeting to solicit advice and recommendations from stakeholders in Washington, D.C. on January 11th. At these meetings we request your advice and recommendations regarding topics for which regulation or non-regulatory guidance may be
necessary to help 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, please.

As a reminder, the purpose of these meetings and comment periods is for us to listen and learn from you and therefore we will not be, at this time, providing individual or general responses or reflections to testimony made today.

We will use your thoughtful feedback to inform our work as we implement this new law. Again, we thank you for being here today. I would also like to thank UCLA for hosting us here today and look forward to receiving your comments and input.

Now I would like to introduce my colleague Patrick Rooney to go over for the third time the logistics of today’s agenda and public comment period.

_LOGISTICS AND PLAN FOR THE DAY_

_by Patrick Rooney_

MR. ROONEY: Hi again, everyone. And thank you for all of you who have been patient and made it through the full day. We are into the third of our two-hour blocks.

For those of you who are new I will just go through some of the logistics to make sure we are all on a sense of
the steps to follow. All of you should have gotten an agenda
which has the people speaking in each of the three blocks.
So everyone has been assigned a block and then within that
block there is an order in which we will call the people who
signed up to provide comments.

So please follow that list, it will help you figure
out about when you will be called. In the past session we
actually had a few people who were not here for their time to
be called so we skipped over them. So this is just a draft
and you may go a little earlier than it looks like you are
going to go on the sheet. So please just follow along to
make sure you are ready when we call you.

A few things to remind you about. If you didn’t
register but you would like to speak we will probably have
time at the end I would imagine. So please go to the
registration desk and let them know that you would like to
speak and we are happy to add you in as time permits at the
end.

Each speaker will have five minutes to speak. And
we ask that you try to respect that time so we can make sure
we hear from as many people as we can during this session.
There is a timer up here which will show your five minutes.
When you get to one minute left, your light will turn yellow.
And then when your time has run out, the light will turn red
indicating you are out of time. And we ask that you please
conclude your remarks so we can then make sure we are hearing from as many people of the public as we can today.

If you have any written copies of comments or other material that you would like to share with us you can turn those in at the registration desk outside the door and they are happy to take those there and they will become part of the record.

And as a reminder, the event is being live streamed. So there is a little camera right here on the laptop in front of me where everyone who is watching along at home or at work, wherever they may be, can watch your comments. So please try to be mindful of the camera while you are giving your comments and try not to block the camera in some way. And make sure you are speaking clearly so it is covered for all of the people here in the audience and also the people who are following along on the live stream.

And as Ann mentioned we are recording this meeting and we will put the recording of the meeting up on our website. We will also create a transcript of the meeting and the transcript will be available on our website, it will probably take a week or two until the transcript is available. The recording should be available sooner than that.

And we will be making the names and affiliations of all of the people who provided comments today and everything
last week will be available on our website. So just so you know that that will be the case.

And again, please don't hesitate to ask Deborah or any of our colleagues sitting outside if you have any questions or you need any help during the session and we are happy to answer any questions you may have.

And with that I will now announce the first speaker is Patricia Phipps from the Los Angeles Urban League. Is Ms. Phipps here?

(No response.)

MR. ROONEY: Okay. The second speaker is Margaret Martin from the Harmony Project.

Margaret Martin

Harmony Project

DR. MARTIN: I’m Dr. Margaret Martin, Founder and National Director of Harmony Project.

In 2001 McKenzie* estimated the economic cost of the achievement gap in the U.S. at $700 billion to $1.3 trillion per year in lost GDP. Our non-profit is closing that gap and sending students from the poorest neighborhoods to college in partnerships with public schools across six states. Our model has been validated in published research by a neuroscience team from Northwestern University.

Here is our story. A posse of L.A. gang members walked through a farmers’ market. Shaved heads, tattoos,
oversized clothing. They stopped in front of a kid playing Brahms on a tiny violin. After five or six minutes without saying a word to one another I watched those gang members pull out their own money and lay it gently in the child’s case.

I was at UCLA at the time earning a doctorate in public health focused on what it takes to make a healthy community. Those gang members were teaching me that they would rather be doing what that kid was doing than what they were doing, but they never had the chance.

I dug into the research. Music training was linked to improvements in math, language, cognition, brain development, and behavior. We launched a Harmony Project in 2001 with 36 kids from low-income homes. Eight years later Harmony Project was awarded the highest honor in the nation for an arts-based youth program.

President Obama awarded us the Presidential Citizens medal in 2011. Last year Harmony Project was designated a 2015 Bright Spot in Hispanic Education by the U.S. Department of Education.

Today, throughout L.A.’s gang zones and across the country thousands of kids ages 5 to 18 spend 5 to 12 hours per week after school learning to make music together instead of getting into trouble. We commit to our students from early childhood through high school graduation providing they
remain enrolled in school and they all do.

Harmony Project is tuition-free based on family income and includes parent orientations and ongoing parent education programming and social support.

Since 2008 between 90 and 100 percent of high school seniors who have participated in Harmony Project for at least three years have graduated from high school and have gone on to colleges like Dartmouth, Tulane, NYU, USC, UCLA, UC-Berkley, and dozens more.

Despite dropout rates close to 50 percent in the neighborhoods where they live average time in program, six and a half years. More than a third of our graduates pursue stem majors in college. Two have earned Fulbright awards. Our first doctor graduated last spring.

Our students are all from low-income homes, 99 percent our students of color. Kids with dyslexia, ADHD, or on the Autism spectrum also thrive within Harmony Project and begin to do much better in school and in life. Our outcomes were more than social science could explain.

I contacted Dr. Nina Kraus* at Northwestern University for answers. In 2013 using neurological assessments the Cross Lab identified specific ways in which poverty negatively impacts a child’s developing brain and her capacity to learn.

The same Lab recently completed randomized
controlled research with Harmony Project students. It turns out that intensive music training, the way we do it in Harmony Project over multiple years enables low-income kids to erase the negative impact of poverty. Once that happens they begin to learn on par with their more advantaged peers.

Meanwhile, the psycho-social support they receive within Harmony Project throughout childhood builds resilience our students need to make it through the challenges they face every day in the neighborhoods where they live.

Articles published by the Kraus* Lab detail improvements in our students’ capacity to listen, to focus, to read, and to learn relative to controls. In fact, Harmony Project students met their third grade reading targets while the reading scores of weight-listed controls declined over the same time period.

Links to these articles are on the Lab’s website: brainvolts.northwestern.edu under Neuro Education. But cognitive improvement doesn’t happen quickly. Our students participated for two years at a minimum of five hours per week before most of the findings began to reach significance.

In summary, poverty negatively impacts a child’s developing brain and her ability to learn. Intensive music training over multiple years can enable low-income kids to erase the negative impact of poverty and begin to learn on par with their more advantaged peers.
Rather than an expendable frill, intensive sustained music training is an evidence-based intervention that can be extended to Title I students throughout the country and paid for by migrating existing youth development funds. Given the evidence before us we have a moral imperative to make this happen.

ESSA is well poised to develop policy and guidance to encourage LEAs to adopt and integrate this evidence-based intervention that enables our most vulnerable students to achieve at a high level by harnessing the plasticity of their developing brains and boosting their social skills through intensive ensemble-based music training.

Thank you so much.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Michelle Youngblood Jarman.

Michelle Youngblood Jarman

MS. JARMAN: I clearly have the best job in the world. I’m Michelle Youngblood Jarman and I’m a teacher. I received my teaching credential in Montana 20 years ago before moving abroad in Ireland and teaching with the Peace Corps in the Russian Far East before returning to teach 15 years ago at Eagle Rock Junior/Senior High School, an urban school in Las Angeles.

I am a national board-certified teacher and teacher
of the year for Los Angeles Unified. As all of this says, I truly believe that I have the best job in the world.

In the past few years I have added teacher advocate to my title. I was and am a literary instructor, a reading coach, a literature teacher, a confidante, a yearbook advisor, a counselor, a class sponsor, a school site council member, and the list goes on. And to some I’m even known as “Jarmom”.

But I am first and foremost champion for my students and for public education. It is far too easy to be cynical about education. The stakes are high, after all we hold the future in our hands. As educators our focus is in the classroom and on our students and we often fail to herald our successes.

The rising class, the inflated failures, we hear about them all the time but we don’t hear about the successes of Title I. We don’t hear about Kyle who moved here three years ago from the Philippines and because of the additional supports he has is now speaking fluently and taking advanced Calculus. We don’t hear about how Title I has paid for a college counselor at my Title I school and therefore 95 percent of all of our students at my school are going to post-secondary education.

Now at this time in history college is a real possibility for nearly all students, no matter where they
live or where they come from. I was attracted to working
with Educators for Excellence on education policy because
having lived in so many diverse places in the United States
and abroad I believe I’ve come to the realization that
accountability must come along with flexibility.

But we must use data as a starting point to make
sure that there is equity and access for all. I believe in
the human capital that highly qualified teachers supply and
the need to support them in this invaluable pursuit.

E for E is driven by a diverse teacher group
nationwide with a focus centered on student need. A few
months ago at the end of October a group of 11 teachers had
the privilege to travel to Washington, D.C. We spent several
months soliciting input and reviewing both the House and the
Senate bills culminating in a recommendation paper that we
submitted to the Department of Education for the ESEA.

We have now organized our regulatory
recommendations for implementation for the Title I funds in
the areas of accountability, funding, communications, school
climate, teacher equity, and teacher input. Johnson clearly
had a vision in ’65 with clear intentions that still hold
ture today. We must have equity and access to education for
all of our students.

To this end I want to focus on the recommendations
for accountability, funding, and communication surrounding
Title I. And my colleague Misti Kemmer for school climate, teacher equity, and teacher input.

So first accountability. We support the legislative requirement that 95 percent participation rate for state testing and we also encourage states and districts to use data to make better decisions to support teaching and learning.

This kind of desegregated data will only be helpful if the Secretary enforces the 95 percent participation rate. So we recommend specific rules on accountability around that.

The EFA recommendations should uphold the requirement that states cannot mask the performance of historically underserved students by lumping them into super subgroups. States must expect action in schools that are well performing overall, but where subgroups of students are not being served well.

Although the states should be empowered to design their own accountability plans, the Education Secretary should have oversight of interventions for districts where historically underserved students are not making progress. Desegregated data is vital in order to ensure equity and access for all.

Second, funding. It is vital that the federal rules maintain the requirement that federal funds supplement and do not supplant funds otherwise they are not in addition
to what we already have. Rules must not undermine maintenance of effort nor should they encourage portability of Title I funds because we need equity and access for all students.

Last, communication. Ongoing communication between states and the Federal Department of Education about the Title I implementation is essential in order for education leaders and teachers to have clear, specific guidance around implementation.

The Federal Department needs to provide clear and timely interpretive guidance for implementing the ESSA both to help states and districts serve students to fulfill its historic role. Instead of punitive numbers we need assistance and modeling. We need models for successful implementation and an open channel of communication.

In closing I would like to thank you for inviting us and for incorporating teacher feedback in the process and encourage you to continue receiving feedback from those who are in the field working in schools throughout the country.

MS. WHALEN: Thank you.

MR. ROONEY: Next is Michelle Traiman, the National Center for Youth Law.

Michelle Traiman

The National Center for Youth Law

MS. TRAIMAN: Good afternoon. I am Michelle
Francois Traiman and I have the privilege as serving as the National Director of Foster Ed at the National Center for Youth Law which is a nationally recognized program working in multiple states to improve education outcomes for students in the Foster Care System.

Foster Ed works at a state and regional level to bring child welfare, education, the courts, community-based agencies, and probation together to the table to address the needs of foster youth.

And I am here specifically to speak directly to the groundbreaking provisions of this bill that for the first time recognize and address the needs of our nation’s most vulnerable students, foster students.

So the National Center for Youth Law played a leading role along with many other advocates to include these new provisions in the law and we see this moment as a profound opportunity to begin to close the achievement gap for a group of students that has remained largely invisible.

Research has well documented that students in foster care are fairing worse than any other student group, through no fault of their own. They are removed from their homes. They move homes multiple times, they move schools multiple times. Their credits often do not transfer with them. They experience enormous lags in enrollment.

Transportation to school of origin does not often
occur. And there is a whole list of issues and challenges that they are faced with that are quite unique to the circumstance of being in foster care.

So research, and I think it is our strong belief, has believed that no single system alone can address and close this achievement gap. Historically it has always kind of been a spotlight on the role the child welfare system plays. And it sour sense that it is multiple agencies that need to come together cohesively to work on behalf of this group of students.

This group of students is unique in a lot of ways. They have a lot of adults in their life that are not at all coordinated. Rarely are the systems currently working together and in concert with one another to address the issues and concerns that they had before they become major problems.

This group of students falls through the cracks in a way that no other vulnerable group of students does. So we believe that these provisions will go a long way to helping to address the situation. And we have three requests for the Department that we believe will help to realize the promise of these provisions.

The first is the request that the Department hire a dedicated staff person to focus on students in foster care with a specific goal of mirroring exactly what the
legislation requires at a state and local level. Right now there is not that point of contact and it is going to be really important to have a point of contact that oversees the new foster care provisions of the law and to work collaboratively with the U.S. Department of Health and Human Services to support the educational stability and success of students in foster care.

Secondly, because the unique needs of foster care has not historically been the expertise of the school and district systems and departments of education, we need to ensure a mechanism for State Departments of Education and school districts to receive dedicated technical assistance and training so that they can appropriately implement these laws which are going to feel very new to them.

Even those that really want to do this well historically have needed this kind of support.

And third, we think that grand funding, at least for a period of time to support states and LEAs that are working to implement these provisions to lift up what’s working, to support evaluation of what’s working, and to also encourage sharing that information with others to follow in their footsteps.

Another request is that there is a number of technical requests that we hope will ensure the clarity and guidances issued around a number of things. And those are
included in my written comments.

And then finally, the intent of the foster care provisions of the new law was to create a mechanism for agencies and child welfare agencies to work together to support school stability and success of all students, including those in foster care.

The McKinney-Vento* program has been serving many students in foster care and including that they receive the prompt transportation to ensure school stability, very important, and have access to school district points of contact.

It is our sense that the regulations must ensure prompt compliance with specific time lines around developing both the state and local Title I plans related to students in foster care so activities and supports can be in place before the removal of the awaiting foster care placement takes effect.

And then in conclusion I just want to say that foster youth have already had to overcome enormous obstacles that no young person should have to face in their life. They have been consistently and tragically let down by their communities and their families. And I think it is the least that we can do is to ensure these provisions that are designed to support them are not buried amidst all of the other work that needs to happen.
Our fear is that without some of this dedicated support, a dedicated contact at the federal level, technical assistance to districts and states, and grant funding to support early implementation is that we are not going to lift up what is working, this will get buried and these kids will remain invisible.

These kids are amazing and they deserve our attention and for us to get this right on their behalf. Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

(Applause)

MR. ROONEY: Next is Hario Vasquez, a Better Tomorrow Education.

Hario Vasquez

A Better Tomorrow Education

MR. VASQUEZ: Good afternoon. My name is Hario Vasquez and I represent A Better Tomorrow Education. Our company was founded in 2009 strictly guided towards SCS. And that is pretty much the behalf that I am here to speak of.

I know it is pretty much going to be done when everything is said and done, but one thing we got to remember, I started working in this industry when I was 16. I was just a young little boy trying to figure out what was going on. And I wanted to be a CPA.
And it wasn’t until the age of 21 when I was taking my exams that I just said this wasn’t for me anymore. I want to go back and help children as I always had been since I was a child.

So we started working, I jumped back in SCS and I noticed a big gap that had occurred, the big change that had occurred from one year to another. It became a zoo. It was a marketing zoo, parents going to provider fairs. And these are all low-income families. So I have to get their part as well where instead of them asking what type of education, what type of curriculum are you going to offer they’re asking “How fast are these computers? How much space do they have? How much memory do they have?”

And I believe all of that started from guidance from the state level down to the LEA levels. LEAs got tired of it. I’m a company that charges on average $37 to $38 an hour for tutoring as opposed to our competitors which charge $60 to $100. Do I think $60 is fair? Definitely. I mean some of these corporate structures are huge.

I personally have a corporate structure of 600 tutors here in the State of California alone, yet I run a show and I work over 18 hours a day. But that’s me. I enjoy doing what I do. I do it as a passion.

The big picture of it, I don’t want to see this leave. Personally I think that it is something that helps if
it is done correctly. If we could all work together from the federal level down to the state level down to LEA levels we all know who the good companies are. We know who are the ones that have the good intentions.

If we all sit down and really work with these students, starting with ESL, students with disabilities, I think we’d make a huge impact. We don’t need groups of classes of 30 kids after school. They’re already in there all day. Why don’t we just cut the cost.

Bring in companies not necessarily just like mine, there’s tons of competitors that I can name that we could all go in and work together and get something done.

Pretty much that is all I wanted to speak of. I want to thank you for your time and most importantly thank you for the invitation.

MS. WHALEN: Thank you.
MR. ROONEY: Thank you.

(Appause)

MR. ROONEY: Next is Misti Kemmer.

Misti Kemmer

MS. KEMMER: Okay. Excuse me. It gets a little cloudy in L.A. and of course I get sick immediately.

My name is Misti Kemmer. I am a teacher in the Los Angeles Unified School District. I have been teaching for 11 years at Russell Elementary in the south L.A. Watts area of
Los Angeles.

I hold several leadership positions at my school: grade level chair, part of the leadership team, the gifted and talented coordinator. So I am very invested in my school site. I am also a member of Educators for Excellence. And an alumni of Teach Plus. Both groups have had speakers speak here today.

Recently I had the opportunity with my colleague Michelle to be part of an action team around ESEA where a group of teachers, 11 actually from across the country, got to meet several times over the phone and talked about what we thought as classroom teachers would be good for federal law.

And we actually ended up writing a policy paper which we have submitted here today and we were able to meet in D.C. and actually present those, our recommendations to legislators and the Department of Education.

So my colleague Michelle talked about accountability, funding, and communications. So what I want to talk about is school climate, teacher equity, and teacher input.

So along the area of school climate, when I began teaching in 2005 we were under No Child Left Behind. And my particular school was under what was called Program Improvement. And we were what was called a PI5 plus plus plus kind of school.
Which basically meant we were failing under every possible measure of the word failing. And we did a lot of, a lot of interventions, a lot of improvements. But no matter what we did we could never dig ourselves out of that failing hole of what No Child Left Behind looked like.

What we really needed at that time was a lot more support under Title I: how to engage our parents more. How to have more counselors so we could properly address behavior or issues that came up with our students in high poverty.

How to deal with our homeless students and our foster students and what they really needed in a classroom. But instead we were really given a lot of punitive fixes on what we should be doing with our school. A lot of which just really did not work.

So we do ask that the Department of Ed provide some alternatives to those punitive practices that were under No Child Left Behind and merely outline evidence-based practices for what parent engagement should look like. Outline what strong community partnerships could look like in our urban schools. And include our parent advocacy groups.

Second, for teacher quality. The group I am part of, Educators for Excellence, is part of a national coalition called Teach Strong. That is several organizations that are seeking to elevate and modernize the teaching profession. So therefore the recommendations that we wrote before, we want
to ensure that our most high need students in our Title I schools like where I teach are taught by strong and effective teachers as measured by multiple indicators.

So we do want to ensure that if Title II funds are used for teacher evaluation that those include multiple measures, student achievement being just one of them. I do remember the time, again under No Child Left Behind, when the tests that students were taking were very high stakes for everyone except the student. So we want to make sure that that doesn’t happen again.

Many factors make for a good teacher. I just want to make sure we are finding things out, to allow teachers to grow, to be mentors, to remain in the classrooms as leaders.

Finally, for teacher input. The law requires that teachers are consulted as states create plans to deliver services under Title I. So we do recommend that teacher advisory groups are included in the consultation process in order to get comprehensive input from educators as we teachers are the ones who have to implement all of this when it actually does come down the pipe.

And we want to thank you today for incorporating teacher voice and teacher feedback in the regulations.

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Next is Cynthia Lim, Los Angeles
Cynthia Lim

Los Angeles Unified School District

MS. LIM: Good afternoon. My name is Cynthia Lim. I am the Executive Director for the Los Angeles Unified School District in the Office of Data and Accountability.

So you heard this morning from our school board president about how excited we are in L.A. Unified to implement the new ESSA. We are the second largest district in the nation. We have over 500,000 students and about 75 percent of them live in poverty.

And we have been working with the core waiver for the past few years. We are looking at multiple measures and different ways of looking at our schools and looking at achievement and school performance.

My comments today are really focused around the new accountability guidelines. And we have a few comments and recommendations about the regulations, mostly about the areas where it seems a little bit vague or ambiguous in the regulations.

So we are very pleased with the increased flexibility of the new legislation and we like the idea that states and districts are granted much more flexibility. We really like the idea of moving away from the punitive measures of No Child Left Behind.
Our comments today are really from the perspective of a large district trying to implement new accountability measures and providing support to schools. So one area of concern for us is the implementation time lines for the new accountability and for the LEA intervention plans.

So ESSA requires that states submit their accountability plans and that they are in place for the ’17-’18 school year. And that the U.S. Department of Education will approve those state accountability plans within 120 days. But there aren’t any other specific deadlines in the legislation.

So our worry is that once we receive these lists of schools that we are supposed to be doing intervention with, there’s not a whole lot of time for us to do a very thoughtful process with our schools.

So there is some ambiguity about when intervention plans have to be in place. We have, we are concerned that the LEA will have very little time to implement and get interventions in place in time for the ’17-18 school year. And we know from our experience with the core waiver that a short time line doesn’t lend a lot of opportunities for feedback from stakeholders, from our teachers, from our parents. So we just ask that there is more clarity in the time lines in terms of implementation and what exactly needs to happen in the ’17-18 school year.
We also recommend that the U.S. Department of Ed have a sense of urgency with state accountability plans. Again we know from our experience with the core waiver we know how difficult it is to implement a new accountability system and to really have stakeholders understand what the expectations are and what the interventions are that we need to be implementing.

We also ask that there’s flexibility granted to states in terms of how we determine the lowest 5 percent in terms of that regulation of schools that will be granted priority status. We know from our work on the core waiver that are high schools are lower performing than our elementary and middle schools so when we looked at just the lower 5 percent high schools were over-represented in that sample.

So we think that if states could have flexibility in terms of the measures that they look at and looking at it by school type in terms of elementary, middle, and high school we won’t over-identify high schools.

We also recommend that the regulations allow for innovation in the interventions with our comprehensive and targeted support schools. We are hoping that it is not just going to be a list of state-approved interventions that we will allow innovation from districts so that when we find successful programs at individual schools or within districts...
we would have the flexibility to implement those.

And finally, we echo the recommendations of the Council of Great City Schools about abolishing SCS for the ‘16-’17 school year. I know that states and districts that are under waivers do not have to implement that, but we think it should be extended to all districts also.

And thank you!

MS. WHALEN: Thank you.

MR. ROONEY: Thank you.

Next is Matt Chapman from the Northwest Evaluation Association.

Matt Chapman

Northwest Evaluation Association

MR. CHAPMAN: Thank you very much. I would echo the comment of so many of the presenters of appreciation for the fact that the Department is doing this and the opportunity to be here today.

My name is Matt Chapman and I am Chief Executive Officer of the Northwest Evaluation Association. We are a not-for-profit actually based in Portland so let me as an aside point out we understood that you needed rain. We brought it. So you’re welcome.

(Laughter)

MR. CHAPMAN: And we were founded as a spinoff of a series of schools, public schools: Seattle, Portland, a
number of others quite awhile back in order to find out how
best to assess the academic growth of students and from there
to be in a position to help teachers take advantage of that
information so that they would be able to do a better job in
terms of particular instruction.

That’s what we’ve done now for quite a long time.
We are very, very dedicated to that. We have the incredible
privilege of partnering with over 7,800 I think it is school
districts, charter organizations, private, parochial,
whatever and such. We serve about 8 million kids, mostly in
the United States, but increasingly around the world.

Our mission is partnering to help all kids learn.
And quite frankly I am really, really excited to be able to
speak about the opportunity that is presented by the
enactment of ESSA. Because very child in our view can
succeed.

But we have to give the students, the teachers, and
the parents the tools and the information to make that
possible. And we need a system that works toward enabling
that outcome.

So what I would like to do is to take the next
couple of moments and talk about three heroes that I
personally have and know and by no coincidence at all, they
are all three teachers.

The first is a teacher in Portland Public Schools,
Tim Schultz*. He teaches fifth grade in a very, very high poverty school. And this spring Oregon requires the Smarter Balance Test and his class of fifth graders, about half of whom are recent emigres from Somalia, took the test and hardly any of them passed.

The result of that is that the principal, per what the rules require, cancelled all the field trips. Cancelled most of the external activities so that Tim was required to spend essentially all of his time teaching English, math, and a couple of other things that were considered rudimentary and central to the process.

His students were not punished for failing to learn. Tim is an extraordinary teacher. His students are learning incredibly well. His students were punished for their status as people who are not yet where they need to be academically. That is the system we are replacing.

And the opportunity to go from a punishment-based single metric to a comprehensive system that provides flexibility and incentive and can build on the promise of what we can do to help our children is something that I find fantastic.

The job of the opportunity of ESSA as Acting Secretary King has so wonderfully said is the opportunity to close the achievement gap. For NWA when we say we are partnered to help all kids learn, we mean all kids!
And I think that moving away from a single metric and moving toward a comprehensive system is an important part of how we are going to be able to do that.

And to that point the other two things I would say are this. By contrast, Damon Lopez who is a principal in Los Pines Elementary School in Palway*. In his school they have an approach for every single kid where they measure where the kids growth is, they identify goals. They tell the kids the two or three things they need to work on and Los Pines, while its demographics would suggest that it is in fact almost doomed in terms of schools, is in fact one of the highest performing grade schools in California.

That is what we can do if we go above and below grade level, if we go to the point where we can in fact include in the accountability for the schools this type of approach.

And finally to close, the other hero I have is my son, Patrick who is a teacher in Fairbanks, Alaska with a very, very challenged group of kids. Fantastic kids who need a lot of help. And he is in his third year of teaching up there and what he is able to do is to understand how those kids work by using assessments effectively.

And that would be the point of the other and final thing I would say about ESSA. Because one of the things that it does is to encourage the use of teacher preparation. He
had the privilege and the opportunity of being well prepared in understanding assessment as part of his education. I encourage you to encourage that as permitted and endorsed by the law as you proceed.

So again, thank you very much for this opportunity. We will provide all of the technical stuff in our written, but I really hope that you will consider these three heroes as you consider the regulations so that you can help each of the three of them to be more effective.

Thank you.

MS. WHALEN: Thank you.

(Applause)

MR. ROONEY: Next is Linda Cohen.

(No Response.)

MR. ROONEY: All right. The next listed is Rebecca Halliwell* from Epilepsy California. I believe she is unable to join us today. I’m just checking to see if she is not here.

The next name is Sandra Goodwick who actually went in the last session. So the next one after that is Paul Hirsh* from Lend to Learning Alliance.

(No response.)

MR. ROONEY: Okay. Thank you. So we will come back to him. Is Michael Bati* here?

(No response.)
MR. ROONEY: All right. The next name is Robert Stutz* from the State of Montana Department of Justice. I believe he is not here today either. Double checking before we go to the next name which is Bootsie Battle-Holt.

MS. BATTLE-HOLT: I am here.

MR. ROONEY: Great!

**Bootsie Battle-Holt**

MS. BATTLE-HOLT: Thank you for the opportunity to speak today. I appreciate that. My name is Bootsie Battle-Holt. I am a Math Teacher at Marina Del Ray Middle School. I am also a Teach Plus Policy Fellowship Alum as well as a proud member of E for E.

I am also a fellow, a math fellow with the Los Angeles Unified School District. So I have had the opportunity to hold many leadership roles, teacher leadership roles and wanted to speak on that today.

A couple of things. There are several promising additions in our new Bill that I am so happy to see. Particularly there is some language about reevaluating student testing. I recently had the honor of sitting with President Obama and talking about this very issue of over-testing in schools.

And hopefully we can come to some agreements in the near future about what over-testing really looks like with our students and how to mitigate some of those effects that
our students are feeling.

Also there is some exciting language about accountability and multiple measures of student growth that I am very pleased to see in the new Bill. And some exciting language about the resources provided by Title I.

But as I said what I really want to speak to today was teacher leadership. This is the first time that teacher leadership has been written into what we expect from a solid education system.

The image of a teacher in a lone classroom with students coming in and out but not a lot of collaboration has been the norm for a very long time. When we picture teachers we picture someone who is really going at it alone, but that is not what teaching is in this day and age.

And it is important that we focus on opportunities for collaboration around teacher leadership.

I was lucky at the beginning of my teaching career. My first assignment was in a first grade classroom and I had a wonderful grade level team that took me in right away. Before the first day of school even they were showing me how to present lessons, they were sharing their resources. They really took me under their wing.

And for that reason parents at that schools were not afraid to have the new teacher. Parents, kids at that school knew that they were getting consistent education from
classroom to classroom.

In fact, one of my fabulous mentors, her name was Miss Miabi*, she recently retired from Paseo Del Ray Elementary School, said to me at that time “Great teachers are not born, they’re made from the teacher next door”. And that’s been a mantra that I’ve held onto throughout my career.

But I know that there are many classrooms and many teachers who don’t have the opportunity to collaborate and have teacher mentors. It is not something that has been built into the system. There are places where it is happening and it is working well. But it’s not, it hasn’t always been passed down as a focus of what we do.

As I said I’ve been fortunate to be part of many collaborative organizations. I’ve worked with the Teach Plus C2 Program where I’ve had the opportunity to lead classes on Common Core implementation.

Last year we worked in the Central Valley and this year throughout Los Angeles. I’m working with teachers who were at the beginning of their Common Core implementation and we worked together and collaborated. The great thing about being a teacher leader is that I am learning from the teachers that I’m leading as well as vice versa.

Also as I said LAUSD Math Fellows was a great opportunity for me. However, the funding of course dried up.
there because there was nothing built into the system that said we are going to continue this program. It was a great program we were writing collaborative lessons, we were writing lessons for the whole district. But the funding wasn’t earmarked for that so that didn’t continue.

As a national board-certified teacher I do have the opportunity to mentor other teachers. However this is all happening outside of the regular classroom day, out of the regular schedule.

So ideas that might be implemented with teacher leadership could be hybrid positions where teachers are spending part of the day collaborating and part of the day in the classroom.

One thing that has happened historically is that our greatest teachers leave the classroom. If they want to mentor then they have to take an out of classroom position and that harms everyone when our best are no longer working with students.

We are in an exciting time as the curriculum changes. I’ve heard that our transition in teaching is from being the sage on the stage to the guide on the side. And this is a big transition for many teachers. It is something that we can’t go alone.

Also, it is important because modern students are wired differently. We know that. And so as these changes
happen again it needs to be a collaborative effort.

Finally I just wanted to talk about a couple of my students. I have Jaylen* who gets easily bored when things aren’t interactive. And when I’m working with other teachers and we’re talking about how to design new lessons with new curriculum in a new age it is students like Jaylen that propel me. And several others although I know that I’m getting to my five minutes so I’m going to stop.

But I wanted to thank you very much for the opportunity and again, I’m worried that this whole idea of teacher leadership because it’s fairly new is going to get buried, and I just want to make sure that that doesn’t happen.

Thank you.

MS. WHALEN: Thank you.

(Applause)

MR. ROONEY: Next is Pamela Donnelly from the Gate College System.

Pamela Donnelly

Gate College System

MS. DONNELLY: Hi everybody. I’ve enjoyed this. This is interesting. It’s great to hear other passionate educators coming together for a common cause.

I do have a problem but I have a solution as well. So let me start with what I’m concerned about. As an Ivy
League graduate and as someone who comes with credentials that most kids will never have access to, you know, *Summa Cum Laude* Columbia University. Now my parents didn’t go to college. So when I come in here and I try to talk about my expertise which is test preparation for college, my team and I at Gate College System, we’re all about SAT and ACT Prep. We help kids get into the college of their dreams without their parents going crazy or broke. How fun is that?

Okay, so here’s the problem. The kids that we are here to serve are coming of age in a time when we have basically what I see as a corporatocracy beginning to take hold. And I am going to bold facely stand here with respect to everyone and say what a lot of people whisper and don’t get on a mic and say.

We are pretty sick of the marketization of education in our country.

(Appause)

MS. DONNELLY: Thank you. We are pretty sick of companies like Pearson* with $9 billion in revenues and McGraw-Hill with $2 billion in revenue and Houghten Miflin* and Harcourt that does business as something called Educational Testing Services but which is actually a profit chain that is padding pockets of corporations while our kids sit in classrooms without the resources that they need. I have a problem with that.
You know, I’m also a mom. I’ve got one daughter out of college and two in high school. God help me I’ve got a junior this year and she’s got me for a mom, sorry Lilly. It’s a challenging time as a parent to sit and to pray that our Government and that the Departments that are trickling down from the top to the bottom instead of from the bottom to the top which is the way education in this country was originally conceptualized when you study the history of public education which of course is part of my expertise in my degree.

You begin to understand that is an unholy alliance when you’ve got a corporate investment in something that is happening on the federal level. You know it ties in with Common Core as well. And God bless the teachers who are able to take Common Core and make that work with their kids. Like you guys are rock stars, like I love you. I want to hug every one of you.

But I’m also really sorry that you’re dealing with that because I was in those classrooms for 20 years before I became CEO of two companies here in L.A. where we are successfully bringing solutions that are digital.

So here is a solution that I want to just mention. And I’m no crony, I’m like a little mom and pop. I’m like a little boutique. I’m a mom running a little company, Valley Prep Tutoring, you know. It’s like what are we? We’re just
35 people who are trying to help kids and we do a good job.

But I can tell you that we want to help more kids and we don’t want to line our pockets. We want to actually help. So here is an idea for the U.S. Department of Education. Find people with hearts who actually care about kids and listen to us. Because I feel like a lot of these corporations have a blind spot back here, like they’re driving a big semi-truck full of all their money and they don’t see the teenagers that are bored out of their minds.

I really love what Bootsie Battle-Holt just said about Jaylen and he’s a student that needs, he needs interactive. He needs something that keeps him awake. You can’t just hand him a giant book. You know the old days of test prep you guys, raise your hand if you remember those books, it looked like a telephone book. And it’s like here you go. If you have a teenager do you know how horrifying that is to hand that to your kid? Here you go, honey. I love you. Boy, that doesn’t feel like love.

So what I love and what’s going on just this week in London they’re doing the big expose. There’s so much cool stuff going on in ad tech right now and so we’ve got like a mobile app, passport to the new SAT and it’s digital and it’s fun. Like find people who are bringing stuff, and you don’t have to pay us a lot of money, but just let us help the kids.

Let us help these kids have a good time with what...
they have to do. Because if you are going to talk about getting kids into as many colleges and career-readiness positions as possible you are going to have to equip them in a way that is flexible, that incentivizes them.

This is, you know Matt Chapman was really brilliant. When he was talking about this he was saying that they’re partnering to help all kids learn but they need the flexibility to be able to incentivize them. Well what better -- do you know what is attached to every teenager in America right now? Even the ones who are Title I and struggling, they’ve got a phone, man. And you know what, that phone is a lifeline if it is used correctly.

So less cronyism, more heart. Pamela Donnelly, out. Thank you.

(Appause)

MR. ROONEY: Thank you.

Next is Chris Hofmann.

(No response.)

MR. ROONEY: All right. Next is Ernie Silva from the School for Integrated Academics and Technologies.

Ernie Silva

School for Integrated Academics and Technologies

MR. SILVA: Thank you and good afternoon. I’m Ernie Silva. I’m from SIATech, the School for Integrated Academics and Technologies. We are a dropout recovery high
school. We partner with the Department of Labor, and other
career opportunity programs. We will be submitting a letter
that is signed by us as well as the California Council of
NAACP and schools across the country from Arkansas to
California, Connecticut, Florida, Minnesota, Oregon, and
Utah. And I am bringing you a single issue and a solution.

So we serve very low income, 90 percent very low
income, 10 percent are kind of cheaters, they’re just low
income, students who have been out of school on average for
500 days. They come to us at fifth or six grade math or
reading levels. So they’ve got a hill to climb.

These are the young men and women that Dr. John
Zaff* from America’s Promise Alliance says come from toxic
environments. They are students described as trauma-infused.
We describe them as “At Promise”. They are beyond “At Risk”.
They’ve already failed, they’ve already dropped out. So they
are no longer at risk of that. They are now at promise of
success.

So the students come to us with a different, a
unique set of circumstances and needs and its one that you
recognize, that the administration recognizes both in ESSA
which for the first time, and we’re really excited about
that, provides specific strategies for dropout recovery
schools.

And the recently adopted EIOA, the Economic
Innovations and Opportunity Act mentions our population, the out of school youth population no less than 14 times. But we are not going to be able to serve those kids unless we solve this problem of graduation rates.

And the feds require what we call a 9th Grade Cohort. It’s a four-year cohort and we understand there has been some flexibility at five or six years, cohorts. But if you think about the students that we serve that have been out of school for 500 or more days, they don’t fit in a four, five, or six-year cohort.

And as a result, a school like mine, 70 percent of our graduates, these are young men and women who have earned a fully accredited public high school diploma don’t count, they’re not reported to the federal government.

So this is the --- so it’s bad math, it causes impacts to the school and to the students. It means that we don’t meet our AYP target grad rate. I know we don’t have to worry about that, at least not now. But there are in addition to us and the other folks talking earlier that were at the 2015 at the Alternative Accountability Policy Forum we had fully 43 percent of the respondents that identified this grad rate issue as being one of the top three accountability problems that we need to fix.

And the good news is that there are solutions available. Portland and Chicago and other places have
identified what is being called a one-year graduation rate. What’s less important to young men and women who have been out of school for a long time is who they went to ninth grade with. What’s important is that they have re-engaged and they have managed to graduate, to earn the credits they needed.

So this one-year graduation rate that is being used in some places gives, creates a cohort of those who are credit eligible to graduate in the year.

Another way of looking at the same problem for one year is to say let’s put in the cohort all of the students who have been enrolled for 180 days. In other words it’s a way of identifying who that cohort is and recognizing that these are folks who have re-engaged and that have a chance of earning that all important diploma.

You get three things out of this. One is we are going to recognize the success of the students and the staff in dropout recovery schools. We eliminate a barrier and hopefully will create more schools like this.

Second, we are also creating some outcomes that ought to be important to your Department and to the Department of Labor.

So for us we are now looking at providing, if we count these kids at meaningful data for those dropout recovery schools that you want to encourage. And it is meaningful data that isn’t available otherwise.
And for --- where we are also focused on out of school youth and focused on what we’ve been calling opportunities, those 16 to 24 year old students that you care about, that WEELA* cares about, and that we care about it means that for all of those students 20 and over that your existing grad rate calculations don’t cover, they will be able to count and recognize that those students are graduating and there are schools that are serving them.

So that is what we are looking for. We hope that we can find a way to solve that problem. And whether its regulation or non-regulatory guidance, something that lets the states know they can allow us to do this.

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Next is Joan Davidson.

Joan Davidson

MS. DAVIDSON: I made that step! I am a past president of the Palos Verdes Peninsula Unified School Board. I’m a California teacher. I hold a bachelor’s and a master’s degree in education.

I am here today representing Restore PE to Education and the groups we interface with such as Citizens for Quality Education and the Kanay* Hill Valley Concerned Parents. I will note that there is no hearing in New York. I would sincerely hope you would have one there and some
place in the Midwest so that we have all our nationwide parents given the same opportunity that I am being given today.

The newly enacted ESSA Bill and its implications, the ESEA Bill was 37 pages. We now have a 1,000-page document. I’m not sure you’ve read it all, I mean it’s rather heavy reading.

What it does do is give the states the authority to affirm a parent’s right to opt out their children from tests. That’s very important. But I am asking by what method does the DOE intend to advise every U.S. parent that they have that right to opt out of the yearly testing?

If every child has the right to opt out of testing, please explain how the Department intends to enforce a 95 percent testing participation? And under what constitutional authority can they do that?

California is a very lucky state, we have local control. In 1972 the voters in California passed Proposition 5 that gives local control to local school districts. And until a new proposition is voted upon I believe local control stands in California.

And we are also very lucky we have the California It* Code which gives parents the right to opt out of testing. So we have given ourselves the right to opt out. We have given ourselves local control and we are asking you to
determine what achievement is in our local school districts.

2015 in December the Department of Education letter
came out to all our state chiefs of education. In it it
stated states will not have to submit new annual measure
objectives for the Departments review and approval by next
month that was currently required. But at the same time it
says we must continue to publish report cards that includes
information that shows how a district student achievement on
state assessments compares to students in subgroups in the
state as a whole.

And I don’t simply understand how the DOE defines
achievement and how you intend to scientifically and legally
compare students achievement when the --- balance test are
computer-adaptive and California no longer as the Store* Test
whatssoever which would have been universal to all.

I believe that California would benefit from a
standardized test such as the Store Test rather than a
computer-adaptive --- test or no test at all.

Three, California Board of Education Statements.
In April of 2015 Michael Kirsh* stated at his meeting that
we, California, are not about proficiency. That’s a federal
word. And if education is not about proficiency what is
education about? Why do we have schools and tests at all?

What does the U.S. Department of Education Define
as academic proficiency? If the goal of the DOE is
proficiency, where is the accountability in using non-comparable tests to determine state-to-state achievement?

Four, the DOE is requiring all states to publish report cards. If all states are using different test methods to determine achievement please provide the scientific method the DOE will use to compare achievement across the nation.

If each child in a room is taking a smarter balance test every child is getting a different test. Every child nationally is getting a different test. So I do not understand how you are going to conclude anything regarding achievement?

How can ESSA or DOE require a report card based upon different tests across the nation?

Problems with smarter balance. Smarter balance, the number of students taking a test is wrong. And if you go on their website, which I did, as a past school board member I noted that in our district Palos Verdes Unified, it listed that we only had 700 juniors when in fact we had over 1,000. And we had only 34 percent participating at Palos Verdes High School.

I have emailed twice up to the State, California Department of Education to back offices and cannot get a conclusive answer and cannot find out from them why they are reporting the wrong numbers as it is true in other districts as reported in the L.A. Times?
And I’d like to know where the transparency for Smarter Balance is and the DOE who financed the grant to Smarter Balance. So I’m going to hand to you today when I finish speaking a formal request for any and all documents, agreements, contracts, records, electronic correspondence including but not limited to minutes, agendas, election decision documents of the Smarter Balance Executive Committee and selection of staff members between September 1, 2014 through today.

Because as soon as the grant ended on September 2014 and they moved to this campus where we are sitting today there is no longer any information available to any public member. It’s gone. They are in a locked fortress and we want you to unlock that door.

Six, are test scores helpful to teachers in districts? No they are not because Smarter Balance scores are received very late or not at all in some states. Teachers cannot tell how to improve without any information.

Seven, privacy and lack of transparency. Smarter Balance tests are scored by contractors that are in agreements with Smarter Balance. These are people and entities and they are the only ones that are allowed to see the test and the data created by these tests. What happened to student privacy?

Many questions asked to the children are about
their belief system. These responses are for sale. States and the DOE are allowing contractors and vendors to review our children’s tests, but not allowing parents or teachers to do so. Is that a violation of their rights and their privacy?

Why aren’t parents, districts given copies of their children test answers and their scores?

That’s a good question for you to answer.

Eight, No Child Left Behind has led to huge increase in testing. ESSA has not limited the testing whatsoever. High stakes tests are used to make important decisions such as student promotion or graduation, teacher tenure, sanctioning schools for poor performance.

Nine, accountability. Where did that go? Too often accountability has been reduced to standardized tests that measure a limited range of academic skills thereby narrowing cuniculus and teaching. This approach has been used to attack rather than help educators, parents, and students.

California and the DOE are suggesting requiring school climate participation in Smarter Balance and Park standardized tests is determining student and district achievement. None of these are evidence of achievement.

It is very sad that for the most part poor districts continue to do poorly while affluent districts have
higher ratings. It’s not for the lack of billions of dollars sent by the government to these districts, it’s the lack of steady and federal oversight that these billions are used for the purposes sent to the districts. Clearly once the use of the growing administrative costs and unfunded mandates to districts are so costly that no district can provide for all of the needs of the students.

The DOE needs to track the billions of dollars spent for testing, where children go to school buildings that are unsafe, where children are afraid either because the building has been scaffolded for 10 years and may collapse in an earthquake in California. Or because of credible threats of violence daily.

Oversight of funds sent to educate children, now that is a worthwhile endeavor. But that is not about academic achievement. The real achievement will be the hordes of parents opting out their children from tests this coming spring. The real achievement will be the DOE and responsible agencies ensuring that the funding is spent on actually learning and not spent on the business of profiteering.

Thank you.

(Applause)

MR. ROONEY: Thank you. We will bring these to the front desk. I want to go back to the people earlier who were
not here when we called them to make sure if they’ve come since then.

Patricia Phipps from the Los Angeles Urban League?
(No response.)

MR. ROONEY: Linda Cohen?
(NO response.)

MR. ROONEY: Paul Hirsh from Link Learning Alliance?

Paul Hirsh
Link Learning Alliance

MR. HIRSH: Good afternoon. My name is Paul Hirsh. I am the principal of the STEM Academy, a Link Learning High School at the Helen Bernstein Campus in the Los Angeles Unified School District. It is a pleasure to be here today to provide recommendations to the U.S. Department of Education for the regulations that will guide the implementation of the Every Student Succeeds Act.

ESSA provides the opportunity to redouble our efforts, to close the achievement gap and ensure that all students receive an equitable and excellent education. To do so I urge the Department to ensure that the ESSA regulations reflect the policies and practices that have contributed to the progress California has made in preparing students for post-secondary education and the workforce.

Undoubtedly one of the major developments that has
fostered gains for California students is the state’s focus on high school reform through Link Learning. Link Learning is not simply a program, it’s a new way to approach high school in the 21st century that integrates rigorous academics, career and technical education, work base learning, and wraparound services.

Link Learning ignites high school students’ passions by creating meaningful learning experiences through career oriented pathways in fields such as engineering, healthcare, performing arts, law, and more. When students love what they’re learning they work harder, dream bigger, and learn more.

Evidence shows that Link Learning is increasing achievement and graduation rates across the state, particularly among students with low prior achievement and high dropout rates. In my own school the adoption of the Link Learning Approach has been truly transformative. We have experienced huge gains in graduation rates, attendance, enrollment in advanced coursework, and post-secondary readiness.

The only metric that has gone down in our school is the suspension and expulsion rate. In fact the funding previously allocated for security guards is now being spent on lab equipment and field trips to colleges.

ESSA regulations should mandate Link Learning or
any other specific approach to school reform, however the regulations should create the space needed for evidence-based systemic reform such as Link Learning by embedding the principles of this approach into the regulations consistent with the statutory authority provided to the Department of Education through ESSA.

I will highlight several opportunities to do so. First, ESSA requires a multiple measure of accountability system and provides flexibility to states in selecting an indicator of school quality or success which may include an indicator of access to and completion of advanced coursework.

I encourage the Department to clarify that this indicator may include student participation and success in coursework that integrates preparation for post-secondary education and the workforce, including performance in coursework sequences that integrates rigorous academics, work base learning, and career and technical education.

ESSA also stipulates that the indicator of school quality or success may include a measure of post-secondary readiness. I encourage the Department to clarify that this indicator may include one, completion of and performance in dual enrollment programs.

Two, performance or on assessments of career-readiness and acquisition of industry-recognized credentials that may lead to quality criteria established by the state.
under the workforce innovation and opportunity act.

And three, rates of participation in post-secondary education which may include enrollment, remediation, persistence, and completion.

Second, ESSA allows states to utilize up to three percent of their Title I funds to support direct student services which may include CT coursework that leads to an industry-recognized credential.

ESSA regulations should clarify that this includes and that funds provided to the direct student services may support approaches like Link Learning that integrate rigorous academics, CTE, work base learning, and wraparound services.

Third, ESSA regulations should clarify that the State Title I plans must comply with the report language accompanying the requirement for states to support students at all levels of schooling. Section 1111(g)(1)(d).

The report language says that states should work with school districts to assist in developing effective transitions from high school to the post-secondary education, including strategies that integrate rigorous academics, CTE, and work base learning.

Finally, ESSA regulations should assert the authority of states, districts, and schools under Title II to utilize funding for professional development on the effective integration of rigorous academics, CTE, work base learning.
ESSA regulations should clarify that such funds may be used to support professional development for all students including CTE teachers.

Thank you for your opportunity to inform the ESSA regulations. I and the Link Learning Community look forward to working with you to ensure that regulations provide the opportunity for every student to graduate from high school, prepare for post-secondary and the workforce.

Thank you.

MS. WHALEN: Thank you.

MR. ROONEY: Is Michael Bati here?

(No response.)

MR. ROONEY: And the last name we went past before is Chris Hofmann.

MS. : He’s on his way.

MR. ROONEY: He’s on his way. Okay. Deborah, has anyone signed up to speak that didn’t — I can go through the list again. We’ll go back through the list of people we missed last time.

Is Sarah Ruse here?

(No response.)

MR. ROONEY: Celia Alvarado?

(No response.)

MR. ROONEY: And Yvette Kingburg?

(No response.)
MR. ROONEY: Anyone who didn’t sign up who is here would like to speak now is your opportunity if you would like to take advantage of it.

(No response.)

MR. ROONEY: Do you know if Chris Hofmann is close? Where?

(Pause.)

MR. ROONEY: We are obviously running ahead of schedule. So it’s understandable that -- he or she is not here.

(Pause.)

MR. ROONEY: Hi everyone on the live stream. At this point there is one person left to speak who has not joined us yet. So we are going to give him or her a few more minutes to try to come here since we are running ahead of schedule. But there aren’t any other speakers at this point. So we are going to stay the live stream movie and we will wait to see if the last individual can join us.

But I wanted to give you a heads up on why there’s been a blank screen for awhile. We will continue to hold until we find out. Thank you.

(Pause.)

Chris Hofmann

MR. HOFMANN: I am Chris Hofmann. I would like to express my appreciation at being allowed to speak. Thank you.
for waiting for me. I am a fourth grade teacher at a charter school in East Los Angeles and a former Teach Plus Teaching Policy Fellow.

I would like to start by expressing my appreciation for the opportunity to share my thoughts on the Every Child (sic) Succeeds Act with you today. The provisions of the law will have a profound effect on what school is like for my 26 fourth graders each and every day and will definitely reverberate throughout the every day educational experiences of our nation’s 50 million K-12 students.

Right now my school in East L.A. serves 535 students. 96 percent of our students are Latino, and 90 percent of our students qualify for the federal free and reduced lunch program. For me this new law and Title I aren’t just extra federal dollars, but they are those extra weird school books I got, I made my students excited to read. They are the mathematical programs and the laptops that made a difference for a lot of my students and their math skills.

And they are the professional development opportunities that allow me to grow substantially as a teacher. And lastly, they are the state tax and the accountability provisions that we use to evaluate and reflect upon all of my students’ academic success.

In reference to the new law there are two things I really want to share with you today. First, the new law I
believe moves us closer to an accountability system that truly measures what we value in a school.

And secondly, the new law provides a critical opportunity for research and experimentation and both what makes a great school. And we educators, parents, students, lawmakers, everyone at the Department of Education, we need to be ready to continuously learn from our efforts and make changes that improve outcomes for all students.

First, I think ESSA approves on No Child Left Behind by recognizing that proficiency on state tests is only one dimension of a school’s quality. When I think about my fourth graders I realize that there is no single data point to truly capture who my students are or what they can do.

And likewise I think that no single data point linked to a state test score can truly capture the educational experience of an entire school.

I think ESSA rightly recognizes this and requires to conclude, at least those four academic indicators. I also think it is great that the law requires states to incorporate at least one other measure of a different sort to --- tap into all of those other factors that make schools great.

For the last six years I worked at a 2015 National Blue Ribbon School in East L.A. and I think what makes our school great is not only the high levels of student learning, it’s also the way we celebrate our students growth. It’s
also the way we get to know our families with home visits.
And the way that we encourage parental support with frequent
communication.

The way we continue to think about and evaluate how
we nurture our students confidence and their character. And
I think it is all of these factors that are critically
important in trying to make a school a vibrant and wonderful
place where we all want to send our children.

And with the passage of ESSA we know have an
opportunity to craft an accountability system that really
accounts for what teachers and what parents and what students
really value.

I think that said I think my school’s North Star
has always been student learning and I think it is really
important that ESSA continues to strike the balance between
student learning and the other factors in determining a
school’s quality.

The final law require state’s accountability
systems to count academic indicators much more than other
factors. And by keeping this language as so and making sure
I think that this will prevent states and schools from using
other data points to mask those student learning.

I think this way ESSA rightly keeps the focus on
what really matters in that school needs to be successful --
schools need to be teaching our students what they need to be
successful in a competitive world while still also acknowledging that there is a whole lot more to a really good school.

Secondly, the second thing is with 50 states developing their own accountability systems, this moment really provides us a unique opportunity to research and innovate. California and all states should experiment with creating measures that capture students academic growth over time.

We should experiment with different ways to gather and synthesize non-academic factors of school quality and with how we should weigh all of these distinct factors to create accountability systems focused on what we need -- what we value in a school.

Most importantly, I think on a state and federal level we need to closely study the effects of these systems. Learn from each other’s successes and failures and quickly make improvements. There will be a tremendous amount of learning to be done in the next few years and we need to be like our students ready to learn and grow.

So thank you for waiting for me. I appreciate it.

MS. WHALEN: Thank you very much.

MR. HOFMANN: Yes.

MR. ROONEY: Thank you.
MS. WHALEN: And with our last speaker that concludes today’s public meeting. I would just like to thank everybody who participated both here today in person as speakers and as listeners as well as all of you on the live stream who listened through the full day of very thoughtful input and feedback to the Department of Education on regulatory and non-regulatory guidance for ESSA.

I would also like to take this opportunity to thank a few people who made today’s public meeting possible including UCLA, the Synergy Team, Deborah, Ashley, Irene, you guys went above and beyond so thank you so much for everything you’ve done to make today go off without a hitch.

For those of you who are interested in more information about ESSA, the regulatory process or would like to comment on what the Department’s priority should be for regulations or non-regulatory guidance, another quick reminder, all of that information is on our website at www.ed.gov/essa we will also post a copy of the live stream from today’s event as well as the transcript of all of the speakers today.

And with that, we wish you good evening and good night. Thank you all for coming.

MR. ROONEY: Thank you.

(Applause)

(Whereupon, the meeting adjourned at 4:30 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 19, 2016 at the UCLA, Los Angeles, California.

________________________________
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Reporter

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