United States Senate
WASHINGTON, DC 20510

A Call for Urgency
Statement of Principles to fix the
Elementary and Secondary Education Act (ESEA)

Imagine Ben. He is a fourth grader in a low-income community. Ben attends a typical elementary school, where only a small percentage of students on free and reduced lunch are proficient in reading and math. Ben did not have access to a quality early childhood education. Ben, like many 4th graders in low-income communities, is already two to three grade levels behind his peers. His district has a shortage of math and special education teachers. He will attend a high school that has had a graduation rate below 60 percent since his sister attended the school, 10 years earlier. Ben has a 1 in 10 chance of getting a college degree.

We have quickly become the only developed nation with a younger generation that has a lower level of educational attainment than previous generations. The No Child Left Behind Act (NCLB) is providing us with critical data that demonstrates the chronic failure of our system to provide a world-class education to every child in this country. But, the law also has significant flaws that Congress must address so that all of our children, regardless of where they live, have access to the educational opportunities they need to succeed in school and in life. In short, Ben, and children like him across the country, cannot afford to wait.

As moderate Democrats in the United States Senate, we would like to highlight the urgency of fixing the Elementary and Secondary Education Act (ESEA). While we work to recover from the recession, we recognize that we must also be building the foundation for our long-term economic success. We believe that the following principles and policies will drive us toward the outcomes we need to remain competitive in a global economy and give all our children the opportunity to fulfill their potential.

We hope to work with our colleagues to make changes that will result in a strong, bipartisan bill as soon as possible. We believe that legislation should embody the following overarching principles:

Increase Local Flexibility: NCLB created incentives for states to lower their standards, and gave states, school districts and schools little flexibility in deciding how to meet those standards. We should reverse that paradigm through reauthorization: supporting state efforts to set clear, high, common standards for students to be college-and career-ready, but allowing much greater flexibility at the state and local level to determine the best way to meet those standards.

In addition, we need to remove the administrative burden on districts and provide flexibility to people at the school level to respond to the needs of students in a comprehensive and locally-driven way. We support consolidating narrowly tailored programs in order to cut red tape and allow the parents and teachers closest to kids to

determine their needs, while increasing the resources available to support the comprehensive needs of those children.

Spur Innovation: A major priority for reauthorization is to create opportunities for states, districts and schools that want to push beyond the status quo through innovative and promising new approaches. In addition, where there are examples of success, it is important that we help bring those to scale. That is something we have not done well in our education system, and our students have paid the price.

Reward Success: Under NCLB, many schools and teachers made incredible gains with their students, but went without recognition for their accomplishments, because the law did not value growth. If we are going to move the system forward, it is critical that we align the incentives in the system, and reward and learn from the places and the people that are doing outstanding work.

Ensure Transparency and Equity: Title I, Part A, the largest program in ESEA provides grants to districts to enhance the educational experience of children living in concentrated poverty. When these funds arrive at a school serving such children, they should represent additional resources over and above a school's allocation of state and local funds. Districts should be required to report non-federal expenditures transparently, to devise plans for distributing these resources equitably, and to implement these plans efficiently.

There are five critical policies we believe are essential to fixing the ESEA: An accountability structure that rewards success and provides flexibility at the local level; aggressive intervention in the lowest-performing schools; supports to ensure all kids have effective teachers and leaders, incentives to foster innovation; and, closing the Title I Comparability Loophole.

I. Accountability Structure: NCLB treated all schools that failed to make AYP the same, without tailoring the interventions to meet the specific needs of the schools. A new accountability structure must provide a more nuanced approach, including goals for all students and all subgroups of students regardless of race, ethnicity, or income, and driving solutions instead of labeling failure. It is critical to look at growth, not simply a static, singular measure of achievement. This requires improved assessment systems that have been evaluated over a sufficient period of time in order to provide training for usage by teachers, administrators, and parents and to yield useful information that informs instruction. First, schools that make significant growth should be rewarded. Under the current system, schools doing an incredible job go unrecognized. Second, we should provide more flexibility for the majority of schools to determine the best way to meet the needs of their students, rather than trying to dictate a one-size fits all approach from Washington. These schools should still be required to disaggregate their data and a new accountability system must continue to push for increased transparency around performance and closing achievement gaps. Lastly, the lowest-performing schools must be required to take aggressive action to change results for their students and – if their failure persists – must be closed down.

II. School Turnaround: We know that there are schools in every state in the nation that have persistently failed to provide students with a quality education. In these schools, we support bold, aggressive action to improve the outcomes for students in these schools. Today, 13 percent of high schools produce 51 percent of the nation's dropouts. President Obama and Secretary Duncan have placed a priority on turning around the bottom five percent of schools in every state. We support this priority and believe that we must ensure intensive interventions in the bottom five percent of each state's schools.

Incremental reforms have continued to fail to turn around our lowest-performing schools. Under current law, states and districts frequently chose the least intensive option for reform, resulting in very little significant improvement in student performance. Less than one quarter of the schools in the second year of restructuring status under No Child Left Behind reported using the four specific interventions outlined in the law. This suggests that the vast majority implemented the "other" strategy as allowed by current law. In fact, a 2009 study suggests that the "other" option was used from 86 to 96 percent of the time. Because of this, we support the Administration's proposal to provide four strong models to guide turnarounds.

These options require significant change from the status quo, which is what's needed in these schools; while allowing flexibility for schools to determine the model that works best in a given context. Within the models, collaboration with teachers, parents and the local community to select the best option and to tailor the approach is critical. We will continue to work with stakeholders to ensure that any model is developed and implemented with local input. This will help ensure effectiveness.

Successful turnarounds in rural areas are important to us and we believe that these models will provide opportunities for successful efforts in rural areas. We are committed to ensuring that rural areas are successful in their efforts to improve their persistently low-performing schools. Staffing is a critical element to a successful turnaround effort. Current principals in turnaround schools who demonstrate capacity to lead a turnaround need to be provided with support. We are supportive of current regulation that does not require a principal to be replaced if a school is demonstrating growth and we are committed to ensuring that there is a pipeline of principals to be placed in rural areas. Additionally, we are committed to ensuring that rural schools do not need to make staffing decisions that do not work in their unique context.

The work of turning around schools is incredibly difficult. Federal school turnaround policy should ensure the lowest performing elementary, middle, and high schools all receive the resources they need. We need to help provide schools with additional funds, support and flexibility to do something rather than continuing to provide the flexibility to do nothing.

III. Teachers and Leaders: None of these reforms will be successful if we do not dramatically improve our system for recruiting, training, supporting, retaining and paying teachers and leaders. There is no harder job than teaching in a high-need school, yet our system does a horrible job of supporting the people committed to this critical work. As a result, we lose almost 50 percent of our teachers within their first five years in the profession.

Changes to ESEA must start by supporting high-quality pathways into the classroom that prepare teachers to drive student achievement. Competitive funds to create and replicate effective teacher and leader preparation programs are an essential element of an improved reauthorization. We must begin to hold teacher preparation programs accountable by evaluating how their graduates are doing in the classroom. We also must support programs like Teach For America that are attracting educators willing to serve in the classrooms where they are needed most.

Once teachers enter the classroom, we have to do a better job of supporting them. The reauthorization should require better teacher and leader evaluation systems that include examination of student learning gains, provide extra compensation for those who take on additional responsibilities to support struggling teachers and leaders, and reward success. We have to shift away from the current system where almost all teachers receive a high rating, without support. Teachers need access to information about how they can improve their practice and quality professional development opportunities. We need to develop, with teacher collaboration, systems for measuring effectiveness that are based on multiple measures, including student outcomes. And because we know that the caliber of a teacher correlates to the success of a student, we must ensure that the most vulnerable students have fair access to the best teachers by creating incentives and supports for the most effective teachers to go into high-need schools where they are most needed.

IV. Innovation: We believe that the federal government should continue to encourage innovative state and local efforts to improve schools through the Race to the Top (RTTT) grant program, the Investing in Innovation Fund (i3) and the creation of high-quality charter and autonomous public schools.

Race to the Top has already proven that the federal government can serve as a significant catalyst for comprehensive reform, as well as state and local collaboration, when it offers rewards for excellence. Dozens of states have passed reforms including expanding their data systems, improving their evaluation systems, and using data more effectively. Moving forward, it is critical to improve the peer review process to ensure that states taking on bold reform are rewarded accordingly.

Forty-nine school districts, nonprofit education organizations and institutions of higher education were recently selected from nearly 1,700 applicants to receive funding under the i3 program. As a competitive grant program designed to scale-up innovative initiatives with demonstrated success, the i3 program received an unprecedented number of applicants. We believe this is evidence that districts, states, and their

entrepreneurial partners are ready now, more than ever, to break the mold of the status quo and develop new solutions to meet critical needs.

We have an incredible opportunity to renew what public education looks like in our country, but we must identify, support and evaluate evidence-based innovative practices and bring them to scale. These include model programs that not only improve academic achievement, but also encourage parental involvement, youth development, and community engagement. Fixing ESEA provides us an opportunity to do that by continuing the Race to the Top and the Investing in Innovation Fund and supporting high-quality charter and autonomous public schools.

V. Close the Title I Comparability Loophole: The comparability provision, one of three fiscal requirements for the receipt of Title I, Part A funds, has a loophole undermining Congress's intent. School districts should have to report actual expenditures at the school-level, including those devoted to salaries for teachers and other personnel. The school-by-school expenditure reporting requirement in the Title I section of the American Recovery and Reinvestment Act provides a model for such reporting. Districts should also have to devise plans for ensuring that high and low poverty schools receive their fair shares of state and local resources, and to implement these plans over a reasonable number of years.

Conclusion: In 1965, Congress first passed the Elementary and Secondary Education Act with the purpose of improving educational opportunities for poor children concentrated in high-poverty schools. Since then, Congress has reauthorized this legislation seven times, and has put in place key standards and accountability elements to increase the achievement outcomes of all students, but especially the disadvantaged. As we work toward making critical changes to this law, we believe that these principles will move us further down the path to ensuring that all students receive a high-quality, well-rounded education that has prepared them for college and a career. It is our objective to work to accomplish this goal in the context of rewriting ESEA.

U.S. Senator Kay R. Hagan

U.S. Senator Michael F. Bennet

U.S. Senator Herb Kohl

U.S. Senator Joseph I. Lieberman

U.S. Senator Dianne Feinstein

U.S. Senator Mary L. Landrieu

U.S. Senator Thomas R. Carper

U.S. Senator Mark R. Warner

U.S. Senator Mark Begich

U.S. Senator Joe Manchin

U.S. Senator Christopher A. Coons