

Center for American Progress



July 6, 2015

The Honorable Lamar Alexander, Chairman
The Honorable Patty Murray, Ranking Member
U.S. Senate Committee on Health, Education, Labor and Pensions
428 Senate Dirksen Office Building
Washington, D.C., 20510

Dear Chairman Alexander and Ranking Member Murray,

Soon, debate will begin on the Every Child Achieves Act, or ECAA, which would reauthorize the Elementary and Secondary Education Act, or ESEA. The Center for American Progress, or CAP, commends your leadership and the rest of the Senate Committee on Health, Education, Labor and Pensions for bringing a bipartisan reauthorization bill to the floor. The bill includes major improvements to the original discussion draft released in January. That being said, we write today to reiterate our remaining concerns with the proposed legislation and to urge senators to make additional improvements during consideration by the full Senate.

The bill reported out of committee includes important provisions designed to help curb overtesting, while maintaining a commitment to annual statewide testing in third through eighth grade and public reporting of disaggregated data by subgroups so that parents and educators can have critical comparative information about how students are progressing. The bill also maintains investments in research-based innovation, expands the use of weighted student funding systems, promotes additional learning time, and seeks to empower teachers to take on leadership roles. The committee rightly rejected the portability proposal, which would have siphoned funds away from the neediest schools, as well as a proposal that would have allowed funds to be diverted out of the public school system entirely.

Nevertheless, more work needs to be done to ensure that the ECAA fulfills its purpose as a civil rights law. Educators, parents, and students have waited years to overhaul the No Child Left Behind Act, or NCLB, not just to get a new law but also to get a law that moves us toward greater educational equity. A reauthorized ESEA must provide appropriate flexibility to states and districts, but that flexibility must not undermine the federal government's ability to hold states accountable for ensuring that taxpayer dollars are being well spent and that students—particularly at-risk students—are being well served.

As the legislation moves through Congress, we hope more progress can be made to ensure that states and districts are streamlining their standardized testing requirements. Tests should not be overly burdensome to students, teachers, or parents. The bill should include provisions to ensure that school districts and states are completely transparent regarding the amount and purpose of any standardized test administered to students. States should also disclose their efforts to streamline assessment systems and avoid redundant and unnecessary tests. CAP research revealed that students take as many as 20 standardized assessments per year that are by and large required by states and districts, not the federal government. It is not always clear why districts and states administer these tests or how they are used, but requiring them to reveal when tests are scheduled to occur, their purpose, their administration time, and whether they are required by the state or district would be an important step toward achieving better, fairer, and fewer tests.

The assessments required under the ESEA, however, do serve a vital purpose in ensuring that students across the country are being equitably served and held to high standards in core academic subjects. These tests comprise a small fraction of overall tests taken during the school year. The results should be used by parents, teachers, and administrators to target supports and interventions to where they are needed the most. Maintaining the federal requirement for statewide annual assessments and the requirements related to participation in these assessments in the current version of the bill is essential.

The bill also needs to be strengthened in the area of accountability. In an attempt to provide state and local actors greater flexibility to design their own accountability systems, the committee bill eliminated virtually all obligations for states and school districts to intervene in and improve their lowest-performing schools and schools with large achievement gaps.

Research has revealed that dedicated resources combined with targeted, aggressive interventions and strong leadership can place a chronically failing school—one where many of the students are not on track to graduate from high school ready for college or a career—on a different trajectory in a short period of time. Turning around our worst-performing schools must be part of a concerted strategy based on evidenced-based practices.

While we are pleased the bill has general provisions that require states to identify low-performing schools and that provide dedicated funding to turn those schools around, the bill should require states to identify their lowest-performing 5 percent of schools, as well as high schools that fail to graduate more than two-thirds of their students. Historically, general requirements to identify low-performing schools have not worked. Under the Improving America's Schools Act, NCLB's predecessor, states failed to identify and demand that low-performing schools improve, which led to School Improvement Grants, or SIGs, which provided resources to states and required them to identify their lowest 5 percent of schools and meaningfully intervene. As a result, recent research from the Council of the Great City Schools shows that 70 percent of SIG schools made proficiency gains over the past three years.

The bill also should be amended to make clear that state accountability systems should require districts to take action when any group of students—including students of color, students with disabilities, English language learners, and low-income students—fail to meet their performance targets.

In order to meet its promise as a civil rights law, the legislation must also do more to ensure that at-risk students receive equal—if not more—resources than their peers. Sadly, schools located in low-income communities in the United States often receive significantly less funding than those in more affluent communities. They are more likely to be staffed by teachers with less experience and more limited qualifications than other schools. And at a time when the research about the potential for additional funding to rectify educational disparities has never been clearer, the United States is one of just three countries in the Organisation for Economic Co-operation and Development that spends less money educating poor students than other students.

Providing additional resources to students from low-income families and communities should continue to be the overarching goal of this bill, but the bill does not go far enough in its current form. The so-called comparability loophole, which undermines the federal requirement for districts to fund poor and nonpoor schools equitably, remains unaddressed in the underlying bill. The loophole results in more than 4.5 million low-income students getting shortchanged. CAP strongly supports closing this loophole by requiring that districts fund their Title I schools at the same level as or higher than—based on actual spending—their other schools.

Improving access to high-quality early childhood education should be a larger priority in the bill as well. Access to high-quality preschool can provide a boost for children that will positively impact them for the rest of their lives. Unfortunately, not every child has access to high-quality early education, which is particularly true among children from low-income families and communities of color. Strong investments to ensure that all children have a strong start in life are a proven and cost-effective strategy. While we commend earlier improvements to the bill that will better align existing programs, it falls short of providing the necessary state support for high-quality early education initiatives.

The bill does nothing to fix the overly complex and inequitable Title I funding formula. The current formula results in some states and districts getting less than their fair share. These disparities arise because of structural flaws, which undermine the formula's intent: targeting federal investments in places with higher concentrations of poverty. Because the money is allocated on the basis of four formulas with competing priorities, states and districts receive mixed messages about the incentives in the law.

Some are proposing a fix for the Title I formula to simplify it and to reimagine how funds are distributed to states and districts. While this proposal may address some of the flaws in the current formula, it nevertheless could introduce different problems. For example, the proposal could have the formula allocate federal dollars to states with no consideration for their concentrations of poverty or differences in cost of living. Any Title I formula change should be phased in and tied to increased funding so that school districts do not experience unmanageable decreases in funding. No district should experience a drastic funding cliff that could adversely impact students who need those resources the most.

We were pleased to see portability provisions excluded from the bill because portability takes Title I, Part A, funds away from districts with the highest concentrations of student poverty and redistributes it to more affluent districts. CAP will oppose any attempt to reincorporate it into the bill.

Without these important additions, the ECAA weakens our ability to respond to the increasing demands of a 21st century economy, and it fails to provide students from traditionally disadvantaged backgrounds with equal opportunities to succeed. The ECAA is a work in progress, and with the debate soon moving forward, we hope that you consider us as a resource. We look forward to collaborating with you to ensure that we have a bill that works for all students.

Thank you again for your efforts.

Sincerely,

Catherine Brown
Vice President of Education Policy
Center for American Progress

cc: Members of the U.S. Senate