



June 17, 2013

The Honorable John Kline, Chairman
Education and the Workforce Committee
United States House of Representatives
Washington, DC 20510

The Honorable George Miller, Ranking Member
Education and the Workforce Committee
United States House of Representatives
Washington, DC 20510

The Honorable Todd Rokita, Chairman
Education and the Workforce Committee
Subcommittee on Early Childhood, Elementary &
Secondary Education
United States House of Representatives
Washington, DC 20510

The Honorable Carolyn McCarthy, Ranking Member
Education and the Workforce Committee
Subcommittee on Early Childhood, Elementary &
Secondary Education
United States House of Representatives
Washington, DC 20510

Dear Representatives Kline, Miller, Rokita, and McCarthy,

I am writing today to comment on the *Student Success Act*, on behalf of the First Focus Campaign for Children, a 501(c)(4) nonprofit organization affiliated with First Focus, a bipartisan children's advocacy organization dedicated to making children and families a priority in federal policy and budget decisions. In all of our work, we seek to raise awareness regarding public policies impacting children and families and to ensure that related initiatives have the resources necessary to help children grow up in a nurturing environment.

As you know, the future strength of the nation's democracy, as well as its economy, is dependent upon the investments made in children and youth today. Chief among our organization's priorities for K-12 education policy is reauthorization of the Elementary and Secondary Education Act (ESEA), which presents a valuable opportunity to positively impact the lives of millions of children and families. Unfortunately, we have serious concerns with the draft legislation.

We respectfully draw your attention to the following segments of the bill that we believe would hurt our most deserving students and families if the legislation remains in its current form:

Transferability & Flexibility in Using Funds: While it is argued that this is needed to create greater local control over education decisions and encourage local innovation, funding flexibility could lead to some vital programs going unfunded at the expense of disadvantaged students. Therefore, this may perpetrate inequity in funding for special populations. Rather, we need to sustain an appropriate federal role in public education by protecting the funding for federal programs that were created to level the playing field for populations vulnerable to the effect of educational disparities.

Though they remain underfunded, Title I, Title III and VII addressing the needs of low income, ELL and Native American students respectively, have helped close achievement gaps for our most deserving students. Instead of pursuing flexibility in this sense, we should allow states and school districts the flexibility in targeting 75 percent of their non-Title I, III, or VII federal resources for flexibility to best serve the needs of their students. We should also allow states to apply for waivers by the Department of Education to exempt them from certain statutory or regulatory requirements under law, consolidate

federal education programs while being accountable for results, and use an alternative method for making allocations to school districts instead of the current formula if their new proposal targets funds more effectively to those areas with high concentrations of low-income families.

Accountability Systems: While we do believe there are benefits to be gained from letting go of the punitive restrictions of Adequate Yearly Progress (AYP), we oppose any policies that potentially abandon accountability for the achievement and learning gains of subgroups of disadvantaged students. This legislation also eliminates performance targets (Annual Measurable Objectives), removes parameters regarding the use of federal funds to help improve struggling schools. As the bill does not permit the Secretary of Education to establish any criteria that specifies or prescribes any aspect of a state's accountability system, nor does it provide a definition for *low-performing schools*, it restricts the federal government from protecting underserved students.

Highly Qualified Teachers: We are opposed to eliminating any requirements related to and the definition of highly qualified teachers. The bill eliminates all baseline preparation standards for teachers, instead focusing solely on measuring teacher effectiveness once teachers are already in the classroom. We believe it is a grave mistake to eliminate NCLB's "highly qualified teacher" provisions, which required all teachers to be fully certified by their state and have demonstrated competency in their subject matter. A wealth of research shows that high need students are most likely to be taught by teachers who have not completed their training, have not demonstrated competency in their subject matter, and are inexperienced. This legislation will do nothing to change this reality.

While the focus on measuring teacher effectiveness is important, the bill fails to recognize that teacher effectiveness cannot be measured until a teacher has actually taught. All students—especially low-income students, students of color, students with disabilities, English language learners, and students from high-need rural communities—deserve teachers who are fully-prepared on their first day in the classroom *and* who prove themselves effective once there. Also related to the issue of highly qualified teachers, we are also concerned with the lowering of Title II (Teacher Quality) funds for students who are in poverty, especially during a time when we should be enhancing our highly qualified teacher workforce.

Comparability: It does not address the comparability issue of per pupil funding between schools within the same district. We have a key opportunity to amend part A of title I of ESEA to remedy the inequitable distribution of State and local funds within the areas served by local educational agencies by: (1) Reinforcing the supplementary intent of funds made available under Title I of ESEA, ensuring these funds serve their original purpose of subsidizing the increased costs associated with educating students in concentrated poverty, (2) Addressing the statutory, regulatory, and enforcement weaknesses that undermine the role of the comparability requirement in ensuring comparability within school districts, (3) Requiring the inclusion of real teacher salaries in calculations of per-pupil expenditures, (4) Providing sufficient transparency, accountability, and disclosure to allow parents, communities, educators, and district officials to ensure students have access to the resources they need to achieve at high levels.

English Learners: We applaud the fact that the legislation continues support for primary language assessments for English Learners where appropriate, and supports programs and instruction based on evidence-based research and standards for English language proficiency. We are deeply concerned with folding Title III (language instruction for English Learners) into Title I and the loss of national focus on English Learners.

Class Size Reduction: The proposed legislation limits class size reduction efforts to 10 percent of Title II (current use is about 38 percent). Research indicates that students benefiting the most from class size reduction efforts are disadvantaged students in the early grades. By capping this funding, we are concerned that school districts will not be able to find funding to continue paying the teacher salaries that were previously funded through federal class size reduction funds. This would lead to a direct decrease in services for our most deserving students. Rather, we recommend awarding formula grants to states for allocation to their local school districts to: (1) Reduce class size, particularly in the early elementary grades, by using highly qualified teachers; and (2) Create a continuum of small classes from kindergarten to third grade.

Early Education: The bill lacks a focus on early education or the creation of school improvement and professional development activities with early childhood development and education programs. We have a key opportunity to amend the school improvement program under part A of Title I of ESEA to require states to create or revise early learning guidelines for preschool age children and early learning standards for children in kindergarten through grade three. Improving the early years of the education continuum – beginning with pre-kindergarten and continuing through third grade – is essential to ensuring that every child is college and career ready. Research shows that high-quality classroom experiences throughout this period of a child’s life can lead to significant gains in achievement. Research also shows that a child who is still struggling to read by the third grade may never catch up. Current policies are simply not enough to address this problem.

Funding Authorizations: This legislation sets the aggregate ESEA authorization level for FY 2014 and for each of the succeeding years at the aggregate FY 2013 post-sequester funding. Doing so locks in almost \$1.3 billion in cuts to these programs compared to the FY 12 level (a cut of 5.21 percent). Indeed, by locking in the sequester levels as the authorization levels through FY 19, this bill, should it become law, would prevent Congress from increasing funding for ESEA even if the sequester were replaced or revised at any time in the next six years.

ESEA investments have already been cut multiple times in the past two and a half years. The FY 2011 CR cut ESEA by an aggregate \$1.43 billion with 17 programs eliminated. The FY 2012 omnibus appropriations bill cut ESEA funding by another \$99 million. The final FY 2013 level, after both a 0.2 percent across-the board cut and then the 5 percent sequester cuts, slashed another \$1.26 billion from ESEA. These waves of cuts have come at a time when enrollments have increased, more children are living in poverty, and schools and students have endured deep state and local budget cuts. We should be looking for ways to increase investments in children, not cut them.

We urge you to consider the following four priorities as you continue to work on this legislation:

- Making Schools the Centers of Our Communities
- Increasing High School Graduation Rates and Reconnecting High School Dropouts
- Strengthening Educational Opportunities for Children and Youth in Unstable Housing
- Expanding High Quality Early Learning Opportunities

We appreciate your leadership and initiative to help improve the current situation of public schools in America. We look forward in working with you to ensure that our most disadvantaged students and communities are given the resources and support needed to provide an equitable education.

Sincerely,



President
First Focus Campaign for Children

CC: Republican and Democratic Education & the Workforce Committee Members