

September 24, 2015

The Honorable Lamar Alexander
Chairman
Committee on Health, Education,
Labor and Pensions
United States Senate
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education,
Labor and Pensions
United States Senate
Washington, DC 20510

The Honorable John Kline
Chairman
Committee on Education and the Workforce
U.S. House of Representatives
Washington, DC 20515

The Honorable Bobby Scott
Ranking Member
Committee on Education and the Workforce
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Hatch, Ranking Member Murray, Chairman Kline and Ranking Member Scott:

On behalf of First Focus Campaign for Children (FFCC), I'm writing today regarding the Conference Committee for the Every Child Achieves Act (ECAA) and Student Success Act. FFCC is a bipartisan children's advocacy organization dedicated to making children and families the priority in federal policy and budget decisions.

The following are recommendations we urge to strengthen the legislation for children and increase student achievement.

Provisions to Keep:

The ECAA includes a number of provisions that contribute to positive educational outcomes, such as integrating early childhood initiatives with K-12 education, collecting data on school climate, allowing states to use Title IV funds for resource coordinators, authorizing the full service community schools grant program, making it easier for homeless students to receive benefits they are entitled to, and allowing states to create a continuum of the educator profession to ensure every child has excellent educators.

Provisions to Drop:

The ECAA also does not include the worst provisions in the Student Success Act, such as flat-funding authorized appropriations and Title I portability. These should not be included in the final bill.

- **Portability:** The original Elementary and Secondary Education Act of 1965 was a supports-oriented civil rights bill intended to close academic achievement gaps and ensure that every child has equal opportunity to succeed. Title I, Part A was that principle codified in policy, with formula grants to help LEAs with high concentrations of poverty by making up for lower state and local education funding as a result of being located in an area of high poverty. Though never fully funded, by allowing LEAs to direct Title I funds to schools that need it most, Title I has had a positive impact on schools and their students. While portability would, in theory, allow parents to make more decisions about where their children go to school, in practice

it undermines the intent of Title I by taking away additional funds from already struggling high-need schools and taking away the ability of LEAs to make local decisions about how to use funds. Parents shouldn't have to risk school lotteries to have a good school close to home, and a fully funded, more equitable Title I, Part A that improves schools that need it most would help ensure that every student has access to an excellent education.

- **Transferability and Flexibility of Funds:** The case for transferability and flexibility is to create greater local control over education decisions and encourage local innovation, but the funding flexibility in H.R. 5 would likely lead to vital programs going unfunded at the expense of disadvantaged students, perpetuating inequity in funding for too many children. Though they remain underfunded, Title I, Title III and VII, which address the needs of low income, ELL and Native American students, respectively, have contributed to closing achievement gaps for these students. Instead of pursuing flexibility by eliminating dedicated funding streams, the substitute amendment promotes local flexibility by repealing burdensome one-size-fits-all mandatory spending requirements in school improvement and supplemental educational services.
- **Authorized funding levels:** Funding levels in authorization bills send a message to appropriators about what funding level is adequate for a given initiative. For example, No Child Left Behind (NCLB) authorized funding for 2007 was over \$28 billion, a sign of the investment necessary to help schools meet the accountability standards in NCLB. Freezing funding in the aggregate through the 2021-2022 school year does not reflect need in states and districts. Appropriations in FY 2015 for education are below FY 2008 funding, despite growing need for federal investment in education. The National Center for Education Statistics projects that public school enrollment will increase by more than 2.2 million students by 2022.

Additionally, most states are currently still not funding per-pupil education at pre-recession levels, meaning too many children are losing the core resources necessary for an excellent education. For example, the Civil Rights Data Collection (CRDC) reveals that 20 percent of high schools do not have school counselors while between 10 and 25 percent of high schools do not offer a full sequence of math and science education (e.g. Algebra I and II, geometry, biology, and chemistry). This lack of resources is not for lack of need as percentage of students living below 185 percent of the federal poverty level has exceeded 50 percent for the first time. The number of homeless students enrolled in school has been growing consistently for years, yet the federal government provides LEAs only \$50 per homeless student for support services. Children living in poverty and homeless children face significant barriers to a successful education resulting in chronic absences, repeated grades, and high dropout rates for these students. Low-income students are five times more likely to drop out of school than their middle class peers, while homeless students are four times more likely to drop out. Every student who drops out of school comes at significant cost to the country from lost tax revenue and decreased economic output. In fact, one study found that the students who dropped out of the high school class of 2011 lost about \$154 billion in additional income over the course of their lives. Schools can be a source of support and help children overcome these challenges by providing stability and important resources, like guidance counselors and health clinics, for children who face such challenges, but not without sufficient funding.

The appropriate response to growing demand is to assist schools that are already under-resourced to better meet the needs of their students, and to ensure that children have access to the diverse range of supports they need to succeed. Funding levels authorized in a reauthorization of ESEA should reflect these needs.

- **Provisions to Weaken Teacher Preparation:** The preparation of those entering the education profession should be parallel to those of other professions – requiring all candidates to meet the same high standards and assessments to enter the field. Other professions, such as law and medicine, do not have a shadow system of preparation of lawyers and doctors who do not benefit from professional preparation in an institution with no real oversight or standards. Provisions that would weaken the education system for the education profession and set a precedent that would undermine the very goal that all of us share – to provide effective educators for all students – should be rejected. Specifically, Senator Bennett’s teacher pathways amendment – adopted on the Senate floor – should not be included in the final bill.

Provisions to Add:

These proposals can be improved further to better address educational challenges facing children across the country. For example, the conference bill should increase authorized appropriations, set a federal minimum for teacher qualifications and expand opportunities for early childhood education, another proposal that earned broad support in the Senate.

- **Student Non-Discrimination:** Despite a majority vote in the Senate, Senator Franken’s Student Non-Discrimination Amendment failed to reach the 60-vote threshold required for passage. This amendment has overwhelming bipartisan support and should be included in the conference bill to ensure all students are protected from bullying.
- **Resource Equity:** Paramount among the reasons for ongoing, stubborn gaps in educational achievement is lack of resource equity for each and every student. The most recent Civil Rights Data Collection revealed stunning gaps in access to the basic components that lead to academic achievement for students: 20 percent of high school students attend a school with no school counselor; between 10 and 25 percent of high schools do not offer more than one of the core courses in math and science; and students of color and English language learners attend schools with higher proportions of inexperienced teachers than their white and native English-speaking peers. The bipartisan Equity Dashboard amendment offered to S. 1177 by Senators Kirk, Reed, Brown, and Baldwin supports and improves the robust data collection included in the ECAA through plans developed by districts and states to address disparities in access to critical educational resources. This amendment should be included in the final bill.
- **Early Childhood Education:** The pipeline to high school and college completion, gainful employment, and successful adulthood begins at birth; the earlier we invest in our children’s education, the greater return we will see on that investment. Research has shown that children from low-income families who participate in high-quality early learning are more successful in elementary school, more likely to graduate from high school and less likely to commit crimes than children who did not have access to these crucial early experiences, making early education programs very cost effective. Senator Casey’s proposed Strong Start amendment to S. 1177 authorizes a \$30 billion, 5-year early learning partnership between states and the

federal government, which provides funds to states to expand access to and improve the quality of early learning systems for 3 and 4 year-old-children living in low-income households. It also includes a \$30 billion cost offset by limiting corporate inversions. This amendment should be included in the final package.

- **Reducing the Burden of Standardized Testing:** Since the passage of No Child Left Behind in 2001, an overemphasis on standardized testing has emerged. Intended as a way to measure academic achievement gaps between student subgroups (such as students of color and students from low-income families) and ensure that schools are improving, achievement on standardized tests has become the primary focus of SEAs, LEAs, schools, and teachers, all of which are burdened with harsh accountability measures tied to these tests. But measuring achievement gaps does not close them. In fact, measuring achievement gaps with standardized tests often only measures differences of opportunity for students, and an overreliance on standardized tests is a distraction or, at worst, a detriment to the more important goal of creating equal opportunity to high-quality education for every student. Amendments offered in both the House and Senate would end the federal requirement that every student be tested every year from grade 3 through 8, thus reducing the burden of standardized tests on students, teachers, schools, districts, and states. This proposal should be included in the final bill.
- **Highly Qualified Teachers:** While we believe the current definition of Highly Qualified Teacher should be improved, we are opposed to entirely eliminating minimum federal requirements for teachers. H.R. 5 and S. 1177 both eliminate all baseline preparation standards for teachers, instead allowing states and school districts to focus solely on measuring teacher effectiveness once teachers are already in the classroom. We believe this is a grave mistake. 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, and may in fact make it worse. 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 profession-ready on their first day in the classroom. 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. Instead, reauthorization of ESEA should offer an alternative vision for the educator profession, with induction and mentoring programs for new teachers, and an emphasis on collaboration and professional development.

We look forward to working with you further to improve educational opportunities for every child in this country. If you have any questions please contact Elliott Gluck at ElliottG@firstfocus.org.

Sincerely,


President