



January 7, 2010

The Honorable George Miller, Chairman
The Honorable John Kline, Ranking Member
Committee on Education and Labor
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Miller and Ranking Member Kline:

The Center for American Progress Action Fund stands ready to work with Congress to reauthorize the Elementary and Secondary Education Act, or ESEA, as the second session of the 111th Congress gets underway. The landscape in which the ESEA reauthorization will take place has changed remarkably, and we call on Congress to take advantage of this momentum by reauthorizing ESEA this year.

Much has transpired since Congress last weighed proposals to reauthorize ESEA in 2007—a new administration has taken the helm; an unprecedented federal investment in education has been made as a result of the American Recovery and Reinvestment Act of 2009, or ARRA; and a large number of state education reforms have taken place in response to Race to the Top and other ARRA grant awards. All of these events have created opportunities for change.

The No Child Left Behind Act, or NCLB, while an important step in closing academic achievement gaps, must be restructured to reflect the growing consensus for common core standards, improved teacher effectiveness, and a more sophisticated accountability system that can more effectively distinguish between chronically ineffective schools and less troubled schools. In short, ESEA must be reauthorized to better meet the needs of our 21st century school system.

CAP Action would like to take this opportunity to share our ESEA priorities and our thoughts on how best to steer our nation's public schools on the right path in light of the aforementioned changes and opportunities.

Improving teacher effectiveness and equity

One of the Center's highest priorities is a laser-like focus on improving teacher effectiveness, especially in high-poverty schools. We encourage Congress to significantly restructure Title II of ESEA, which is intended to support the improvement of teacher and principal quality. A wide range of activities is supported under Title II, which limits its impact. In the reauthorization, Title II's focus should be narrowed to prioritize reforms that will improve teacher effectiveness and attract and retain effective teachers in high-poverty schools.

Since ESEA was last considered in 2007, CAP Action and its sister organization, the Center for American Progress, produced a considerable amount of work related to teacher effectiveness. CAP Action believes that teacher and principal effectiveness policies must encompass the following elements, based on our work:

- Rigorous evaluation systems that link teachers' performance to that of their students
- Rigorous evaluation systems that link principals' performance to that of their schools
- Meaningful teacher tenure processes
- Differentiated pay, including pay for performance, extra pay for teachers in shortage subject areas, extra pay for teachers in high-needs schools, and extra pay for teachers taking on additional responsibilities
- Accountability for all teacher preparation programs and the expansion of high-quality and innovative alternative certification programs
- Support for new teachers and those needing to strengthen their teaching
- Dismissal of chronically ineffective teachers

Title II should be restructured to invest in district and state reforms related to the seven elements above, which will help increase the number of effective teachers and school leaders in our nation's schools.

Greater fairness in distributing financial resources

The \$14.5 billion Title I program is unquestionably one of the most significant federal education investments in our nation's schools. Title I largely represents the federal government's role in education—to equalize opportunities for students nationwide by investing in our most disadvantaged schools. Yet as currently structured, the Title I funding formula exacerbates funding inequities.

The reauthorization must address this great inequity by *redesigning the Title I formula* to rely more heavily on the concentration of low-income children served, to account more completely for states' fiscal effort, and to adjust allocations for cost without using states' average per pupil expenditures, which track wealth better than cost. We do not underestimate the political challenges in modifying this all-important formula, but the deep inequities can no longer be ignored and sanctioned.

Title I's fiscal requirements need to be changed in two ways. First, *the comparability provision* must be fixed. The provision was intended to promote equality by requiring state and local funds for schools to be equitably distributed before federal Title I funds are added to schools with large concentrations of poverty. A current "loophole" ignores differences in actual teachers' salaries. The effect is that districts are able to continue the longstanding practice of distributing local and state funds inequitably, diminishing the impact of Title I dollars and supporting the status quo. This loophole needs to be closed in the reauthorization.

Second, *the maintenance of effort provisions* need to be made more stringent. Currently, states risk penalties if their nonfederal spending in the preceding year falls below 90 percent of their

spending in the second preceding year, a low threshold allowing states to convert Title I allocations into tax relief.

Finally, we recommend that the federal government play a greater role in improving equity within states and districts. It makes little sense to award states federal dollars to support their most disadvantaged schools and then allow within-state inequity to continue. A competitive grant program to address within-state fiscal inequity should be established.

Common standards

CAP Action supports recent efforts to promote the development of common core standards, including the investments that the U.S. Department of Education made in this area as part of ARRA. We encourage Congress to capitalize on the department's work and that of the National Governors Association and the Council of Chief State School Officers in developing a common set of standards. This may include further incentivizing states to work in consortia to further develop these standards along with an accompanying set of common content standards and assessments, as well as support for states in implementing these standards in the classroom.

Robust accountability

CAP Action remains steadfast in our support for robust accountability systems that ensure that schools help all students reach the highest academic standards. While the accountability provisions outlined in the No Child Left Behind Act need refinement, they provided an important foundation for the next generation of accountability systems and moved our nation closer to improving educational outcomes for low-income and minority students.

We recommend the following principles be considered to further strengthen accountability provisions:

The next generation of accountability systems should require a minimum of annual achievement progress for all students, with accelerated expectations for those who are behind. This progress should be measured by both individual student growth and overall proficiency toward common performance measures for students, schools, districts, and states, with an end goal of proficiency for all students and advanced performance by many. While our nation's schools are far from demonstrating that all students will be proficient in reading and math by 2014, the deadline established in NCLB provided much-needed urgency, persistence, and focus for states to meet this goal. The reauthorization should consider a similar timeline.

Accountability for results is a shared responsibility. NCLB stepped up the role of accountability to increase student achievement unlike its predecessors before it. But schools bear the burden almost entirely. Every level of the school system should be held accountable for results. Excellent teachers, schools, districts, and states should be rewarded. Similarly, chronically ineffective teachers should be moved out the classroom, and chronically failing schools should be closed and/or transformed—with adequate district- and state-level support and resources to help with this process. Chronically low-performing districts should be subject to substantial state

responsibility and intervention. States should be awarded extra federal support when they take on effective strategies to assist low-performing districts and when their schools produce results over time.

English language learners and students with disabilities must be included more effectively in state accountability and assessments. Few states have adequately addressed the needs of or appropriately included students with disabilities and the rapidly growing ELL population in their accountability systems and assessments. While NCLB marked an important first step in ensuring such students were no longer overlooked, the next iteration of ESEA can do much to strengthen states' capacity and responsibility in ensuring that all students are appropriately included.

Accountability systems must include high schools. Improving America's global competitiveness requires increasing the number of high school graduates ready for career and college. The federal regulations pertaining to graduation rates released since NCLB's enactment must be codified. In addition, high schools should be held accountable for improved disaggregated academic achievement and graduation rate outcomes.

ESEA should include a more sophisticated system for identifying schools in need of improvement to guide effective allocation of resources and technical assistance. State and district education leaders and stakeholders must be able to better distinguish what separates a chronically failing school from a school that just misses the mark in meeting adequate yearly progress. This would help guide the appropriate level of resources and support to struggling schools and inform school closure decisions as well as parental school choice.

Reforming high schools

The Center has a strong commitment to reforming our nation's high schools and improving their capacity to better prepare students for college and career. We are hopeful that the reauthorization of ESEA, which currently overlooks secondary schools, will increase federal investments and technical assistance for such schools. Congress should also boost graduation rate and academic achievement accountability for high schools. Current dropout trends are abysmal and the stakes are too high for the nation to continue to ignore this problem.

We encourage Congress to consider two major high school bills that will help turn around high schools and ensure that students are ready for college and careers. The Graduation Promise Act, H.R. 4181, strengthens state improvement systems to identify and target the level of reform and resources necessary to improve struggling high schools. The Fast Track to College Act, H.R. 1578, provides support for the implementation of dual enrollment courses and early college high schools. Both proposals can support a blueprint for addressing secondary schools in a reauthorized ESEA.

Expanded learning time and community schools

In the upcoming reauthorization we encourage Congress to consider innovative strategies to redesign our schools, including the way time is used in schools. The Time for Innovation in

Education Matters Act, H.R. 3130, outlines CAP Action's definition of expanding learning time—significantly expanding the school day, week, or year for all students in a school to include more time, preferably at least 300 additional hours, for core academics, enrichment opportunities, and teacher planning and development. The U.S. Department of Education echoed this definition in their final guidelines to states for Race to the Top, State Fiscal Stabilization Funds, and School Improvement dollars. We encourage Congress to build on this momentum in the reauthorization.

Similar to expanded learning time initiatives, community schools transcend the conventional boundaries of a school's purpose and function. Community schools stay open for extended hours, offer students and families access to important social and health services, and serve as a hub of activity for a neighborhood. We encourage Congress to support the development of more community schools to help meet both the unmet "nonacademic" and academic needs of students, particularly those from low-income families.

Both expanded learning time schools and community schools, when appropriately implemented and adequately supported, hold great promise in helping turn around the lowest-performing schools. And both approaches have been included in the Department of Education's Transformation Model, one of the four models permitted in the ARRA Title I School Improvement Grants program.

Although expanded learning time and community schools are distinct from one another, we appreciate the challenges of the current economic landscape and understand that new programmatic funding streams are less than desirable. However, we believe that some existing funding streams can be restructured to support both approaches.

One such stream of funds is the 21st Century Community Learning Centers, or CCLC program, which currently supports academic and enrichment opportunities for students during nonschool hours. Although afterschool programs can help address both students' academic and nonacademic needs, participation in these programs is voluntary, and often low-income and disadvantaged students who are most likely to benefit from such programs are less likely to participate.

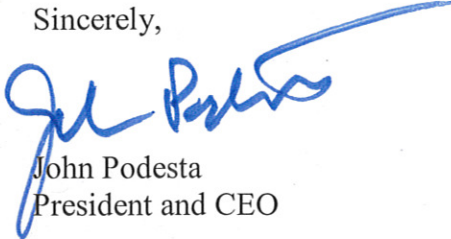
Expanded learning time schools, by contrast, ensure that *all* students in a school benefit from increased academic and enrichment opportunities, while community schools open a school's resources to the entire surrounding community. We encourage Congress to consider how CCLC and other education funding streams can support expanded learning time and community schools in addition to afterschool programs.

Investing in innovation

Even though dollars have yet to be awarded to states, the Race to the Top and Innovation Fund programs under ARRA have spurred significant state and district reforms related to teacher effectiveness, standards, and accountability. We encourage Congress to consider a similar competitive grant program that will continue to invest and inspire innovative education reforms to ensure American schools remain competitive in today's global economy.

While we have outlined our priorities for the reauthorization broadly above, CAP Action looks forward to providing more specific guidance and recommendations related to teacher effectiveness and quality, expanded learning time, accountability, standards, and Title I in the year ahead. The Race to the Top grants and other ARRA reforms represent important markers for ESEA. We encourage Congress to build on these common sense policies.

Sincerely,



John Podesta
President and CEO