



## **Summary of Network for Public Education’s comments on ESEA draft bill:**

- We support option 1 to eliminate mandated annual testing, and we urge the Senate to remove high stakes attached to standardized tests, encourage flexibility in designing assessments, and provide the right of parents to opt their children out of standardized testing.
- Restore reducing class size as option that states and districts can use with their Title II funds, which is a research-based reform that also works to lower teacher attrition.
- Eliminate the use of federal funds for merit pay, which has consistently failed to improve student outcomes.
- Add to the reporting requirements of districts, states and the federal government so they must report trends in average class size data, as well as the disparity in class size between high and low poverty schools.
- Strengthen the language around student data privacy and limit federally mandated data collection of individual students.
- Oppose the diversion of resources to private and charter schools through portability of Title I funds and expansion of federal funding to charters.
- Require maintenance of effort, so that states and districts cannot cut back on their own support for schools while replacing their funding with federal dollars.
- We strongly urge the Senate to increase overall funding for Title I, Title II, and Title X for homeless students, especially as more than 50% of the children in our public schools are now officially classified as low income for the first time in at least fifty years.

### **More specifically:**

#### **Title I STATE PLANS:**

We support the section entitled “Limitations” which prohibits the Secretary of Education from requiring any particular specific standards, assessments, accountability systems, or teacher or principal evaluation systems.

We support this section of the bill because states and districts should be allowed to craft their own standards and accountability systems, as long as they are research –based and are responsive to stakeholder and community input – neither of which is true of the currently mandated federal accountability systems and standards.

In this section we would like to see the language around student privacy also strengthened: Section 6D removes the ability of the Secretary to ***“require the collection, publication, or transmission to the Department of individual student data that is not expressly required to be collected under this Act.”***

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This is rather ambiguously phrased, as it could allow for the Secretary to require states and/or districts to collect and publish individual student data as long as they do not transmit such data to the Department.

We would like this section to clearly prohibit the Secretary from requiring the collection or publication of ANY individual student data by states or districts, and/or restrict the Secretary from requiring that this data be transmitted to any third parties outside state and local education agencies, including the US Department of Education.

## **Testing:**

We support Option 1 – to require states to give assessments only in the relevant grade spans, and to limit the footprint of the federal government in this way, especially as US children are over-tested. This has led to narrowing of the curriculum, and takes up too much instructional time and resources. As far as we know, there is no high-performing nation in the world that requires annual testing. We regret that there is no option to remove the federal mandates for testing altogether, other than sampling testing such as the NAEP, as this is a function that rightfully belongs to the states and was not part of the original purpose of ESEA. The ESEA was passed in 1965 specifically to supply federal aid to districts and schools that enrolled high proportions of poor children.

We would like to add two critical provisions to this section. The US Department of Education should also:

1. Discourage the attachment of high stakes to standardized tests, since high stakes have not only have been shown to be damaging to the quality of education overall but have caused the data to be less reliable as a diagnostic or analytic tool, as a result of Campbell's Law.
2. Guarantee that parents have the right to opt their children out of state standardized tests.

The federal government should allow states to adopt their own assessments that can be used for diagnosing or improving student performance, not for labeling students, evaluating teachers, or closing schools.

## **Reporting:**

Under the section that requires states and LEAs to report student achievement data, graduation rates, teacher qualifications, and other important metrics, disaggregated by high and low poverty schools, we would also like states to be required to report on average class sizes by grade, also disaggregated by high and low poverty schools; since class size has been shown to be a significant factor in student success, and yet accurate class size data has been difficult to

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find. In the Secretary's annual report to Congress, this should include national class size data, average class size trends per state and per LEA, and disaggregated according to district and school poverty level.

Even though disadvantaged students tend to benefit the most from small classes, they often have much higher class sizes than those enrolled in low poverty schools. We would also like the language removed around requiring the reporting of "teacher effectiveness" as there is currently no reliable system to measure this factor.

## **Privacy:**

In the section entitled (5) Presentation of Data in the reporting section: There is a discussion of states and LEAs including only data in their annual report cards sufficient for statistically reliable information and not revealing personally identifiable student information, which we support.

We would like added to "(B) STUDENT PRIVACY.— 'In carrying this out, student education records shall not be released without written consent consistent with the Family Educational Rights and Privacy Act of 1974' we would like the following words added: ***"and nothing shall require state or local education departments to collect, amass or share individual or personally identifiable student data with any third parties or officials, not employed directly by their agencies."***

## **Title I portability:**

We oppose portability of funds which undermines the purpose of the Title I program – which is to support schools with high concentrations of poverty that need additional resources the most. Additionally, portability as defined in this draft would require a new level of federally-mandated bureaucracy and data collection and is a first step towards private school vouchers which we oppose.

## **Title II- High Quality Teachers and Principals:**

This draft bill omits critical language that currently allows Title II funds to be used to reduce class size. This omission is highly undesirable, especially as states and districts are currently using more than 30% of these funds for this purpose. Reducing class size should be restored as a spending option for states and districts. Lowering class size is one of the few reforms cited by the Institute of Education Sciences as having been proven to work to improve student learning, yet class sizes have increased in most schools across the country as a result of state and local budget cuts.

Small class size is particularly important as it has been shown to significantly narrow the achievement gap for poor and minority students, and yet because of funding inequities, these students are more likely to be subjected to large classes. We also oppose the "transferability"

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language that would allow states and LEAs to transfer up to 100 percent of the respective funds received under Titles II and IV.

As for the Teacher Incentive funds: We oppose the use of any federal funds to “develop, implement, or expand comprehensive performance- based compensation systems for teachers, principals, and other school leaders” as this has been proven over and over again through research and experience to be an ineffective and wasteful use of funds. Merit pay has been tried repeatedly for nearly 100 years and has never been successful. It failed to make a difference in student achievement most recently in Nashville, Chicago and New York City.

## **Title IV- Safe and Healthy Students**

We oppose the block granting of Title IV programs, and the elimination of specific targeted funding for 21st Century Community Learning Centers, Promise Neighborhoods, and school counselors, each of which provide important services to students.

We also support the Full Service Community School program and urge the preservations of language that enables 21st Century funds to be used for community schools.

## **Title V Charter schools**

We oppose the section of the bill that would increase the funding and number of charter schools, and would encourage states to provide funding for facilities commensurate with the funding of public schools. Charter schools have been shown to increase segregation, enroll fewer at-risk students including students with disabilities and English language learners, and often feature abusive disciplinary practices and high suspension and expulsion rates. We support the language in the law that would require independent financial audits that are publicly reported, but to add that charter schools should be subject to the same governmental auditing authority that exists for public schools in the same state or locality.

The definition of a “high quality” charter school that is eligible for federal or state funding should include not only academic measures but also their overall rates of student enrollment, retention, suspension and expulsion of students in the highest need categories, as cited above, as well as teacher turnover rates.

Each state should be required to report annually on charter schools’ rates of enrollment of high-needs students, including students with disabilities, English language learners, homeless students, and students who receive free lunch, as well as their overall suspension and expulsion rates, as compared to the public schools in the same district. The reporting of “students with disabilities” should disaggregate mild disabilities (such as speech disabilities) from severe cognitive, emotional, and physical disabilities that require a higher level of care and funding. The state also should audit and provide proper oversight for the lotteries and admission practices of charter schools, to ensure that all applicants have the same chance to enroll.

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## **Title IX Maintenance of Effort:**

We oppose the elimination of the maintenance-of-effort requirement that would allow states to use federal funds to displace their own funding and eliminate the requirement that states maintain at least 90 percent of their funding from the previous year.

## **Title X:**

We support increased rather than reduced levels of funding for homeless students, the numbers of which are a record high in many localities. Instead of \$65M for each of FY 2016-2021 --\$5 million less than was allocated for fiscal years 2003-2007 -- we support an increase in the funding for this purpose to at least \$70 million per year.

## **Overall Funding:**

The authorization levels in this draft bill are inadequate to ensure that disadvantaged students are provided an education that provides them with an equitable chance to learn. Title I and other programs would continue to be frozen at \$14.9 billion for the next five years. Other programs in ESEA would also be frozen at current levels. At the same time, the number of poor children has increased dramatically in our public schools. For the first time in at least fifty years, more than 50% of the children attending our public schools come from low income families and are eligible for free and reduced price lunch. Meanwhile, our federal investment in their education is lagging. According to OECD figures, the United States is one of only three developed nations where fewer public dollars are spent on poor children than wealthier children, and where schools serving disadvantaged students have higher student/teacher ratios. Our nation must increase current funding levels for Title I and other targeted education programs to ensure that more federal dollars are provided to our neediest students.